

# FEDERAL REGISTER

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## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

#### Subchapter B—Loans, Purchases, and Other Operations

[1956 CCC Tung Bulletin, 721 (Tung Nuts 56)—1]

#### PART 443—OILSEEDS

#### SUBPART—1956 CROP TUNG NUT PRICE SUPPORT PROGRAM

This bulletin contains the regulations applicable to the 1956 crop Tung Nut Price Support Program under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as "CCC" and "CSS", respectively)

#### Sec.

- 443.1261 Administration.
- 443.1262 Availability.
- 443.1263 Methods of price support.
- 443.1264 Eligible producer.
- 443.1265 Eligible tung nuts and tung oil.
- 443.1266 Disbursement of loans.
- 443.1267 Approved lending agencies.
- 443.1268 Approved storage facilities.
- 443.1269 Maturity date of loans and period notification to sell under purchase agreement.
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- 443.1271 Personal liability of the producer.
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- 443.1279 Transfer of producer's right or equity.
- 443.1280 Release of tung oil under loan.
- 443.1281 Liquidation of the loan and delivery under purchase agreement.
- 443.1282 Purchase of notes.
- 443.1283 Storage and handling charges.
- 443.1284 Support prices.
- 443.1285 CSS Commodity Office.

**AUTHORITY:** §§ 443.1261 to 443.1285 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C., 714B. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. 714c, 7 U. S. C. 1446, 1421.

§ 443.1261 *Administration.* (a) The program will be administered by the Oils and Peanut Division, CSS, under the general direction and supervision of the Executive Vice President, CCC, or the Vice President, CCC, who is Deputy Administrator for Price Support, CSS. In the field, the program will be carried out by the Agricultural Stabilization and Conservation State Committees and by Agricultural Stabilization and Conservation County Committees (hereinafter called State and County Committees) and the Dallas CSS Commodity Office.

(b) It will be the responsibility of the State Committee in each State to carry out the provisions of the 1956 tung nut price support program in such a manner that price support will be available to all eligible producers of tung nuts.

(c) Forms will be distributed through the offices of State and County Committees. All documents in connection with warehouse storage loans on tung oil and purchase agreements on tung nuts and tung oil will be approved by the County Committee which will retain copies of all such documents. The County Committee may authorize the county office manager to prepare and approve purchase agreement and loan documents on behalf of the Committee.

(d) State and County Committees and the Commodity Office do not have authority to modify or waive any of the provisions of this bulletin or any amendments or supplements hereto.

§ 443.1262 *Availability* — (a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *When to apply.* Purchase agreements covering tung nuts will be available from the beginning of the marketing year, November 1, 1956, through January 31, 1957. Loans and purchase agreements covering tung oil will be available from November 1, 1956, through June 30, 1957.

(c) *Where to apply.* Application for price support should be made through the office of the County Committee which keeps the farm program records for the farm.

§ 443.1263 *Methods of price support.* Price support will be available to eligible

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# FEDERAL REGISTER

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## CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) (\$2.25)

Title 38 (\$2.00)

Titles 44-45 (\$1.00)

Title 50 (\$0.60)

Previously announced: Title 3, 1955 Supp. (\$2.00); Titles 4 and 5 (\$1.00); Title 6 (\$1.75); Title 7, Parts 1-209 (\$1.25), Parts 210-899 (Rev., 1955) with Supplement (\$4.50), Parts 900-959 (Rev., 1955) (\$6.00), Part 960 to end (Rev., 1955) with Supplement (\$5.85); Title 8 (\$0.50); Title 9 (\$0.70); Titles 10-13 (\$0.70); Title 14: Parts 1-399 (\$2.50), Part 400 to end (\$1.00); Title 15 (\$1.00); Title 16 (\$1.25); Title 17 (\$0.60); Title 18 (\$0.50); Title 19 (\$0.50); Title 20 (\$1.00); Title 21 (Rev., 1955) (\$5.50); Titles 22 and 23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.50); Title 26 (1954) Parts 1-220 (Rev., 1955) (\$2.00); Title 26: Parts 1-79 (\$0.35), Parts 80-169 (\$0.50), Parts 170-182 (\$0.30), Parts 183-299 (\$0.35), Part 300 to end, Ch. 1, and Title 27 (\$1.00); Titles 28 and 29 (\$1.25); Titles 30 and 31 (\$1.25); Title 32: Parts 1-399 (\$0.60), Parts 400-699 (\$0.65), Parts 700-799 (\$0.35), Parts 800-1099 (\$0.40), Part 1100 to end (\$0.35); Title 32A (Rev., 1955) (\$1.25); Title 33 (\$1.50); Titles 35-37 (\$1.00); Title 39 (Rev., 1955) (\$4.25); Titles 40-42 (\$0.65); Title 43 (\$0.50); Title 46: Parts 1-145 (\$0.60), Part 146 to end (\$1.25); Titles 47 and 48 (\$2.25); Title 49: Parts 1-70 (\$0.60), Parts 71-90 (\$1.00), Parts 91-164 (\$0.50), Part 165 to end (\$0.65)

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producers of tung nuts by means of purchase agreements for eligible tung nuts and tung oil and nonrecourse loans on eligible tung oil stored in approved storage facilities.

§ 443.1264 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, estate, or other legal entity producing tung nuts of the 1956 crop as landowner, landlord, tenant, or share-cropper. The beneficial interest in the tung nuts tendered for purchase under a purchase agreement, and in the tung nuts and the resultant tung oil tendered for a loan or for purchase under a purchase agreement, must be in the producer making such tender, and must have always been in him or in him and a former producer whom he succeeded either as landowner, landlord, tenant, or share-cropper before the tung nuts were harvested. Any eligible producer or group of eligible producers may designate in writing, on the form or forms approved by CCC, an agent to act on the producers' behalf or on the joint behalf of a group of producers in obtaining price support under this program.

(b) Any cooperative association of producers (hereinafter called "co-operative") which normally handles or crushes tung nuts delivered to it by eligible producers or markets tung oil delivered to it by eligible producers shall also be considered an eligible producer with respect to the oil produced from 1956 crop tung nuts delivered to it by eligible producers or with respect to eligible tung oil delivered to it by eligible producers provided all the following requirements are met:

(1) The beneficial interest in the tung oil and the tung nuts from which such tung oil was extracted is and always has been in the eligible producers who de-

liver the tung nuts or tung oil to the cooperative or in such producers and former producers whom such producers succeeded either as landowner, landlord, tenant, or sharecropper, before the tung nuts were harvested;

(2) The major part of the tung oil handled or marketed by the cooperative is extracted from tung nuts grown by members who are eligible producers;

(3) The producers share proportionately in the proceeds from marketings according to the quantity and quality of tung nuts or tung oil each delivers to the cooperative;

(4) The cooperative has the legal right to pledge the tung oil as security for a loan as well as the authority to sell such tung oil under purchase agreements;

(5) The cooperative shall maintain a record showing separately (i) the total quantity of tung oil processed by it from 1956 crop tung nuts obtained from all sources, (ii) the total quantity of tung oil obtained from all sources, (iii) the total quantity of tung oil processed by it from 1956 crop tung nuts obtained from all eligible producers, (iv) the total quantity of tung oil obtained from all eligible producers, (v) the total quantity of tung oil processed from 1956 crop tung nuts obtained from eligible producer-members, and (vi) the total quantity of tung oil obtained from eligible producer-members. The cooperative shall make its records available to CCC for inspection at all reasonable times through June 1959.

§ 443.1265 *Eligible tung nuts and tung oil.* (a) *Tung nuts.* Tung nuts must be from the 1956 crop, and must be matured, air dried with hard hulls dark in color and suitable for milling.

(b) *Tung oil.* Tung oil must have been extracted from 1956 crop tung nuts and must meet Interim Federal Specification TT-O-00395a (Agr-ARS) dated June 15, 1956 (hereinafter referred to as Federal Specifications). The eligibility of tung oil delivered under this program must be evidenced by a certification, signed by the producer or an agent designated as provided in § 443.1270 (f) or in the case of a cooperative by an authorized officer thereof, in the form prescribed in § 443.1270 (d) or (e), whichever form is appropriate.

§ 443.1266 *Disbursement of loans.* Disbursement of loans on tung oil will be made by approved lending agencies or by sight drafts drawn on CCC by the ASC County Office. Disbursements shall not be made later than 15 days after the final date of the availability of loans, unless authorized by the Executive Vice President, CCC, or the Vice President, CCC who is the Deputy Administrator for Price Support, CSS. The producer shall not present the loan documents for disbursement unless the tung oil represented by the loan documents is in existence and in good condition. If the tung oil is not in existence and in good condition at the time of disbursement, the loan proceeds shall be refused or promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer

shall be personally liable for repayment of the amount of such excess.

§ 443.1267 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency agreement on CCC Form 322 (4-22-54) and CCC Form 322-1 (6-22-56) or other form prescribed by CCC.

§ 443.1268 *Approved storage facilities.* Approved facilities shall consist of storage facilities made available by tung oil mills and others having adequate facilities for handling and storing tung oil for which a tung oil storage agreement on Commodity Credit Corporation Form 77 (Revised November 1956) for the 1956 crop has been entered into with CCC through the Dallas CSS Commodity Office. The names of owners or operators of approved facilities may be obtained from the Dallas CSS Commodity Office and State and County ASC Offices.

§ 443.1269 *Maturity date of loans and period of notification to sell under purchase agreement.* (a) Loans on tung oil mature on October 31, 1957, or on such earlier date as may be determined by CCC.

(b) Producers who elect to sell tung nuts under a purchase agreement must notify the County Committee of their intentions within the 30-day period ending March 31, 1957, or ending on such earlier date as may be determined by CCC. Producers who elect to sell tung oil under a purchase agreement must notify the County Committee of their intentions within the 30-day period ending October 31, 1957, or ending on such earlier date as may be determined by CCC.

§ 443.1270 *Applicable forms.* The approved forms consist of the purchase agreement forms, loan forms, and such other forms and documents as may be required, which together with the provisions of this bulletin, and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Note and loan agreements must have State documentary and revenue stamps affixed thereto when required by law. Purchase agreement or loan documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement, Commodity Purchase Form 1, Delivery Instructions, Commodity Purchase Form 3; Purchase Agreement Settlement, Commodity Purchase Form 4, Lien Waiver for Purchase, Commodity Purchase Form 5; and other applicable forms prescribed in paragraph (c) of this section.

(b) *Loan documents.* Loan forms shall consist of the Producer's Note and Loan Agreement, Commodity Form B, and other applicable forms prescribed in paragraph (c) of this section.

(c) *Other forms.* Warehouse receipts, chemical analysis certificates issued by approved chemists, certification of eligibility of tung oil, producer's designation

of agent, and such other forms as may be prescribed by CCC.

(d) *Producer's certification of eligibility of tung oil.* Before a loan is made on tung oil to a producer, other than a cooperative, or before delivery of tung oil from such producer under a purchase agreement can be accepted by the County Committee, the producer, or his agent designated as provided in paragraph (f) of this section, must sign a statement in substantially the following form:

I hereby certify:

(1) That the \_\_\_\_\_ pounds of tung oil located in \_\_\_\_\_ (Name of storage facility)

at \_\_\_\_\_ (Address) which I am

pledging to CCC as collateral for loan or am tendering for delivery to CCC under purchase agreement was delivered to me as oil processed for my account by \_\_\_\_\_ (Name of plant)

out of \_\_\_\_\_ pounds of 1956 crop tung nuts produced by me which I delivered to such plant for toll processing;

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in me or in me and a former producer whom I succeeded either as landowner, landlord, tenant or share-cropper, before such tung nuts were harvested.

(Signature) \_\_\_\_\_

(Producer)

By \_\_\_\_\_

(Agent)

(Date)

(e) *Cooperative's certification of eligibility of tung oil.* Before a loan is made to a cooperative or delivery of tung oil from such cooperative under a purchase agreement can be accepted by the County Committee, the manager or the official empowered to sign contracts for or on behalf of the cooperative must sign a statement in substantially the following form:

I hereby certify:

(1) That \_\_\_\_\_ pounds of tung oil which are being pledged to CCC as collateral for a loan, or are being tendered for delivery to CCC under purchase agreement were processed from \_\_\_\_\_ pounds of eligible 1956 crop tung nuts which were delivered by eligible producers to tung mills in quantities as follows:

(1)	(2)	(3)
Name and address of tung-mill	1956 crop tung nuts delivered for crushing (pounds)	Tung oil crushed from tung nuts in column 2 (pounds)

and that such tung oil is presently stored at these mill locations unless otherwise noted below.

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in such producers or in such producers and former producers whom such producers succeeded, either as landowner, landlord, tenant, or share-cropper, before such tung nuts were harvested.

(Date)

(Name of Cooperative)

By \_\_\_\_\_ Title \_\_\_\_\_

(f) *Designation of agent by a producer or group of producers.* A single eligible producer may designate an agent to act in his behalf in obtaining price support, or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event the producer or group of producers shall execute a form substantially equivalent to CCC Tung Nut Form 1 (1956) for purchase agreements or to CCC Tung Nut Form 1-A (1956) for loans. A copy of each designation of agent signed by the producer(s) and indicating the maximum quantity of eligible tung nuts which the producer (or each producer in the case of a group) will produce on the producer's own farm, and on which price support is desired, must be delivered to the county committee before any purchase agreement or loan documents filed by the agent on behalf of such producer(s) are approved by the county committee. A separate certification of eligibility must be executed for or on behalf of each producer.

No. \_\_\_\_\_

U. S. Department of Agriculture  
CCC Tung Nut Form 1 (1956)

#### PRODUCERS DESIGNATION OF AGENT

##### PURCHASE AGREEMENT

##### 1956 Tung Nut Price Support Program

I (we) the undersigned eligible tung nut producer(s) hereby appoint \_\_\_\_\_ (Name)

\_\_\_\_\_ my (our) agent (Address)

with full authority to act for me (us) and in my (our) name and stand in obtaining price support under the 1956 crop tung nut price support program of the Commodity Credit Corporation, which is administered through State and County ASC Committee of the United States Department of Agriculture. In exercising such authority the above named person is empowered to execute all applicable purchase agreement documents, to notify Commodity Credit Corporation of my (our) intention to sell tung nuts or tung oil, to pool my (our) tung nuts or tung oil with tung nuts or tung oil owned by other eligible producers and to warehouse such tung nuts or tung oil at my (our) pro rata expense, and to sell and deliver such pooled tung nuts or tung oil to Commodity Credit Corporation, to make joint settlement and receive payment on my (our) behalf for tung nuts or tung oil so sold and delivered, and to perform any and all other acts necessary or appropriate to the above authority to all intents and purposes as if performed by me (us) personally. This appointment shall continue in effect until it is revoked in writing and a signed copy of the revocation is delivered to Commodity Credit Corporation through the ASC County Committee. The approximate quantity of tung nuts of the 1956 crop produced on my (our) farm(s) is indicated below.

In witness whereof I (we) have herunto affixed my (our) signature(s) this \_\_\_\_\_ day of \_\_\_\_\_ 195\_\_\_\_\_

In presence of:

Witness	Signature	(Tons)
Witness	Signature	(Tons)
Witness	Signature	(Tons)
		No. _____

U. S. Department of Agriculture  
CCC Tung Nut Form 1-A (1956)

## PRODUCERS' DESIGNATION OF AGENT

## TUNG OIL LOAN

## 1956 Tung Nut Price Support Program

I (we) the undersigned eligible tung nut producer(s) hereby appoint \_\_\_\_\_ my (our)

(Name) (Address)  
agent with full authority to act for me (us) and in my (our) name and stead in obtaining price support under the 1956 crop tung nut price support program of the Commodity Credit Corporation which is administered through State and County ASC Committees of the United States Department of Agriculture. In exercising such authority the above-named person is empowered to execute all loan documents, to pool my (our) tung oil with tung oil owned by other eligible producers, to pledge to CCC as security for loan(s) warehouse receipts representing such pooled oil, to receive the proceeds of such loan(s) on my (our) behalf, to distribute all of such proceeds pro rata among me (us) and any other producers in accordance with the respective producer's interest in the pooled oil under loan, and to perform any and all other acts necessary or appropriate to the above authority to all intents and purposes as if performed by me (us) personally, including but not limited to the authority to redeem pooled oil under loan in accordance with instructions from me (us) and other producers having an interest in such oil. This appointment shall continue in effect, until revoked in writing and a signed copy thereof delivered to Commodity Credit Corporation through the ASC County Committee. The approximate quantity of tung oil crushed from tung nuts of the 1956 crop produced on my (our) farms is indicated below.

In witness whereof I (we) have hereunto affixed my (our) signature(s) this \_\_\_\_\_ day of \_\_\_\_\_, 195\_\_\_\_.

In presence of:

Witness	Signature	Pounds
Witness	Signature	Pound
Witness	Signature	Pounds

(g) **Warehouse receipts.** Warehouse receipts representing tung oil in approved warehouse storage to be placed under loan or to be delivered under a purchase agreement, must meet all the following requirements:

(1) Must be issued in the name of the producer, (in case of a cooperative, in the name of the producer delivering tung nuts or tung oil to it) show storage location, describe the quantity and quality of tung oil delivered to the warehouseman, be signed by the warehouseman and be properly endorsed in blank by the producer so as to vest title in the holder.

(2) Must guarantee that when delivered out by the warehouse, the oil will meet Federal Specifications.

(3) Must contain the warehouseman's statement that the oil is insured as required in § 443.1276. If such insurance was not effective as of the date of deposit of the tung oil in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the oil is in the warehouse and undamaged.

(4) Must show the date of issue.

(5) Must carry an endorsement in substantially the following form:

Warehouse charges through October 31, 1957, on the tung oil represented by this warehouse receipt have been paid or otherwise provided for and the warehouseman has no lien upon such tung oil for such charges.

(6) Must contain such other terms and conditions as CCC may require in tung oil storage agreement with approved warehouseman.

§ 443.1271 **Personal liability of the producer.** Any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, or agent of the producer, will render the producer or agent subject to criminal prosecution under Federal Law and liable for any damages suffered by CCC as a result of purchase of the commodity, for the amount of the loan (including interest), and for any resulting expense incurred by any holder of the note.

§ 443.1272 **Determination of quantity—(a) Tung nuts.** The quantity of tung nuts delivered under purchase agreement shall be determined on the basis of net weight at point of delivery to CCC. The net weight is the gross scale weight less foreign material and bags.

(b) **Tung oil.** Where the tung oil pledged to secure a loan or tendered under a purchase agreement is represented by warehouse receipts issued by approved warehouses, the determination of quantity for purposes of settlement with the producer shall be based on the net weight specified on such warehouse receipts. Where tung oil tendered under a purchase agreement is not stored in an approved warehouse, the quantity of such tung oil shall be determined on the basis of approved scale weight at destination.

§ 443.1273 **Determination of quality.** (a) The determination of the oil content of the tung nuts and the quality of tung oil not stored in approved warehouses which is delivered under purchase agreement shall be made on the basis of samples taken by inspectors authorized or licensed by the Secretary of Agriculture. The samples shall be analyzed by chemists approved by the Department of Agriculture (hereinafter referred to as "approved chemists"). The oil content of the tung nuts shall be determined on the basis of a sample drawn as of the time of delivery of the tung nuts to CCC. The time of determining the quality of the tung oil and evidence of such quality shall be as provided in § 443.1281 (b) (5). The cost of sampling and analysis shall be borne by the producer.

(b) In the case of tung oil stored in approved warehouses where appropriate warehouse receipts are delivered to CCC in connection with a purchase agreement or a loan on such tung oil, the quality of such tung oil for the purposes of settlement with the producer shall be the quality shown on the warehouse receipts.

§ 443.1274 **Lien.** If there are any liens or encumbrances on the tung nuts or tung oil, waivers acceptable to the county committee must be obtained.

§ 443.1275 **Service charges.** Producers shall pay to the county committee service charges on the quantity of the commodity placed under loan or specified in the purchase agreement, computed at the following rates:

	Rates	Minimum charges
Tung oil	6 cents per hundredweight	\$1.50
Tung nuts	18 cents per ton	1.50

No service charges will be refunded.

§ 443.1276 **Insurance.** Tung oil tendered for loan or under purchase agreement which is stored in an approved warehouse on a commingled basis must be insured by the warehouseman for not less than the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, tornado, and such other hazards as are normally insured against by the warehouseman or required by statute.

§ 443.1277 **Set-offs.** (a) If the producer is indebted to CCC on any accrued obligation, or if any installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are past due or are payable or prepayable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, such producer must designate CCC or the lending agency holding such note as the payee of the proceeds of the purchase or loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. In the case of a cooperative, the cooperative must designate CCC, or the lending agency holding the note evidencing a loan on farm storage facilities or mobile drying equipment, as the payee of the proceeds of the purchase or loan to the extent of any such indebtedness or installments due by any individual producer who delivered to the cooperative tung oil or the tung nuts from which was processed the oil constituting the basis for the loan or the purchase agreement. For purposes of this provision the cooperative must deliver to the county committee a list of the individual producers who delivered the tung oil or the tung nuts to the cooperative together with the quantity of oil processed for each producer. The county committee will furnish the cooperative with the names of such producers which appear on the county debt register and the amount of their indebtedness.

(b) If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after payment of service charges and claims of prior lienholders.



(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or legal action.

§ 443.1278 *Interest rate.* Loans shall bear interest at the rate of 3.5 percent per annum from the date of disbursement to the date of repayment.

§ 443.1279 *Transfer of producer's right or equity—(a) Loans.* The right of a producer to transfer either his right to redeem the tung oil under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 443.1280 *Release of tung oil under loan.* A producer may at any time on or before maturity obtain release of the tung oil under loan by paying to the holder of the note and loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Partial release prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released. However, the quantity to be released must be equal to the quantity covered by one or more warehouse receipts.

§ 443.1281 *Liquidation of the loans and delivery under purchase agreement—(a) Liquidation of the loan.* If the producer does not repay his loan by maturity CCC shall have the right to sell or pool the tung oil to satisfy the loan in accordance with the provisions of the note and loan agreement and this section. If tung oil is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat pooled tung oil as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers; and not unduly impair the market for the current crop of the commodity, even though part or all of such pooled tung oil is disposed of under such policies at prices less than the current domestic price for such commodity. Any payment due the producer as a result of the sale of the commodity, or out of the proceeds of insurance on the commodity, or any ratable share resulting from the liquidation of a pool, will be made by the Dallas CSS Commodity Office and shall be payable only to the producer or his agent without right of assignment by him.

(b) *Delivery and payment under purchase agreement.* (1) A producer who signs a purchase agreement, Commodity Purchase Form 1, will not be obligated to sell any specified quantity of tung nuts or tung oil to CCC but shall have the option subject to sub-paragraphs (4) and

(5) of this paragraph of delivering to CCC at the support price any quantity of tung nuts or tung oil within the maximum specified in the purchase agreement executed by him.

(2) A producer who has signed a purchase agreement in terms of tung nuts may, at his option, deliver in lieu of tung nuts not in excess of the quantity of eligible tung oil which has been processed from such tung nuts; provided that such tung oil shall be delivered in accordance with sub-paragraph (4) or (5) of this paragraph whichever is applicable.

(3) Eligible tung nuts will be purchased on the basis of the net weight and the oil content as shown by a chemical analysis. CCC will not accept delivery until a determination of eligibility has been made and a sample for chemical analysis has been drawn. The producer shall deliver tung nuts to CCC in accordance with instructions issued by the county committee on or after March 31, 1957. If the producer is required by such instructions to make delivery to a point more distant from the farm than his usual milling point, CCC will pay the difference, if any, between the cost of transportation from the farm to the designated delivery point and the cost of transportation from the farm to the usual milling point but not in excess of an amount which the county committee determines is a reasonable difference in cost for such services. The producer must complete delivery of tung nuts within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery.

(4) In the case of tung oil stored in approved storage facilities, the producer must, not later than the day following the final date of the 30-day notification period prescribed in § 443.1269 (b) or during such period of time thereafter as may be specified by CCC, submit to the county committee warehouse receipts issued in the form prescribed in § 443.1270 (g). The total quantity of oil represented by such warehouse receipts shall not exceed the quantity shown on Commodity Purchase Form 1. CCC will not accept delivery of less than the total quantity of tung oil covered by a warehouse receipt. The certification of the eligibility of tung oil, as provided in § 443.1270 (d) or (e) whichever is applicable, must accompany the warehouse receipt.

(5) In the case of tung oil stored in storage facilities which have not been approved, delivery will be accepted only f. o. b. tank cars at the producer's usual milling point or at other locations approved by CCC. The county committee will on or after the final date of the 30-day notification period prescribed in § 443.1269 (b), issue delivery instructions to the producer. Before issuance of such delivery instructions, the producer must submit a chemical analysis certificate (issued by an approved chemist) covering each tank car offered showing that oil meets Federal specifications; or if it is found by the county committee that a submission of these analyses certifies

on tank car lots would cause undue delay in shipment, the producer may (1) submit evidence that a sample of each car lot of oil has been properly drawn and submitted to an approved chemist for analysis, provided that the producer (a) waives his right of appeal of the findings of the approved chemist, (b) agrees that demurrage incurred as a result of delay in receiving the chemical analysis prior to final acceptance, shall be for the producer's account, and (c) agrees further that if the tung oil does not meet Federal specifications the car shall be rejected with all freight, demurrage, and handling charges reverting to the account of the producer or (11) the producer may submit chemical analysis certificates (issued by an approved chemist) showing that the tung oil offered meets Federal specifications and is stored in sealed identity preserved tanks, provided that the producer agrees to have such tung oil check-loaded by a representative of CCC into tank cars for delivery to CCC and to bear all handling and other costs prior to acceptance by CCC f. o. b. tank cars. The producer must submit a certification of the eligibility of tung oil, as provided in § 443.1270 (d) or (e), whichever is applicable, and complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery. Notwithstanding the above provisions of this section, delivery of less than tank car lots may be accepted by CCC f. o. b. tank truck or other conveyance in those cases where the Dallas CSS Commodity Office determines that such action is in the interest of CCC. The tung nuts or tung oil will be purchased by CCC at the applicable support rate and payment will be made by sight drafts drawn on CCC by the ASC county office.

§ 443.1282 *Purchase of notes.* The county committee, acting on behalf of CCC, will purchase from approved lending agencies notes evidencing approved loans which are secured by warehouse receipts issued by approved warehouses. The purchase price will be the principal sums remaining due on such notes, plus interest computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the county office where the loan documents were approved.

§ 443.1283 *Storage and handling charges—(a) Tung nuts.* CCC will not pay or assume any of the costs of transportation (except as provided in § 443.1281 (b) (3)), storage, cleaning, insurance premiums, bags and bagging, sampling, testing and analysis reports, and tagging accruing prior to delivery of the tung nuts to CCC under a purchase agreement, nor will CCC assume the cost of handling or processing expenses which are necessary to prepare the tung nuts to meet eligibility requirements.

(b) *Tung oil.* CCC will not pay or assume the cost of transportation, sampling, insurance, testing and analysis accruing on the tung oil prior to delivery under a purchase agreement or prior to the maturity date of the loan on tung

oil placed under loan, nor will CCC pay or assume any handling or processing charges which are necessary to prepare the tung oil to meet eligibility requirements. Storage charges on tung oil stored in approved warehouses shall be paid by the producer through October 31, 1957. Storage charges accruing on such tung oil after such date will be for the account of CCC. All storage charges on tung oil stored in unapproved warehouses shall be for the account of the producer.

(c) *Unexpired storage time and services.* CCC and any subsequent holder of warehouse receipts covering tung oil shall be entitled to any unexpired portion of the storage time and outloading services to which the producer became entitled under any contract between the producer and the warehouseman.

§ 443.1284 *Support prices.*—(a) *Tung nuts.* The support price for tung nuts containing 18.5 percent oil (original moisture basis) shall be \$53.76 per ton in all areas. This price shall be adjusted upward or downward by 30 cents per ton for each variation of  $\frac{1}{2}$  of 1 percent oil from the base of 18.5 percent oil content (original moisture basis) on the basis of chemical analysis certificates issued by an approved chemist.

(b) *Tung oil.* The equivalent price for eligible tung oil will be 21.0 cents per pound in all areas.

§ 443.1285 *CSS Commodity Office.* The Dallas CSS Commodity Office will serve the tung area and the States served by it are shown below:

*Address and States.*

500. South Ervay Street, Dallas 1, Tex.; Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

Issued this 2d day of November 1956.

[SEAL] WALTER C. BERGER,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[E. R. Doc. 56-9156; Filed, Nov. 7, 1956; 8:57 a. m.]

## TITLE 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### SUBPART—WHITE FRINGED BEETLE

##### REVISION OF QUARANTINE AND REGULATIONS

On August 23, 1956, there was published in the FEDERAL REGISTER (21 F. R. 6333) a notice of the proposed revision of notice of quarantine No. 72 relating to the white-fringed beetle and of the regulations supplemental to said quarantine (7 CFR 301.72; 301.72-1 et seq.) After due consideration of all relevant matters submitted in connection with the notice, and pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 1 and 3 of the Insect Pest Act (7 U. S. C. 141, 143) the aforesaid quarantine and regulations are hereby revised to read as follows:

##### QUARANTINE

Sec.  
301.72. Notice of quarantine.

##### REGULATIONS

- Sec.  
301.72-1. Definitions.  
301.72-2. Designation of regulated areas.  
301.72-3. Regulated articles.  
301.72-4. Conditions governing interstate movement of certain regulated articles.  
301.72-5. Conditions governing the issuance of certificates and limited permits.  
301.72-6. Assembly of articles for inspection.  
301.72-7. Cancellation of certificates and limited permits.  
301.72-8. Inspection of shipments en route.  
301.72-9. Disinfecting vehicles, machinery, and other articles.  
301.72-10. Shipments for experimental and scientific purposes.  
301.72-11. Nonliability of Department.

**AUTHORITY:** §§ 301.72 to 301.72-11 issued under sec. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interpret or apply sec. 4, 37 Stat. 318, as amended; 7 U. S. C. 161.

§ 301.72 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and after the public hearing required thereby, the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee have been and hereby are continued to be quarantined to prevent the spread of introduced species of the genus *Graphognathus*, commonly known as white-fringed beetles, dangerous insects of foreign origin notoriously injurious to cultivated crops and not heretofore widely prevalent or distributed within and throughout the United States, and under the authority conferred by the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.) supplemental regulations are hereinafter prescribed (§§ 301.72-1 to 301.72-11) governing the movement of white-fringed beetles and carriers thereof. Hereafter (a) live white-fringed beetles in any stage of development, (b) forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots; (c) soil, compost, manure, peat, muck, clay, sand, or gravel, independent of or in connection with nursery stock, plants, plant products, or other products or articles; (d) grass sod; plant crowns or roots for propagation; true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured; potatoes (Irish) when freshly harvested; peanuts in shells, peanut shells and peanut hay; (e) uncleaned grass, grain and legume seed; hay (other than peanut hay), straw, seed cotton and cottonseed; (f) scrap metal and junk; brick, tile, stone, concrete slabs, pipes, and building blocks; and cinders; (g) forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties; (h) railway cars, trucks, and other means of conveyance; construction and maintenance equipment; containers; and other articles of any character whatsoever which by reason of infestation or exposure constitute a hazard of spreading white-fringed beetles as determined in accordance with the supplemental regulations §§ 301.72-1 to 301.72-11, shall not be shipped, offered for shipment to a common carrier, received for

transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State, Territory, or District of the United States, in manner or method or under conditions other than those prescribed in the supplemental regulations, as from time to time amended: *Provided*, That the requirements of this quarantine and of the supplemental regulations, except as otherwise provided in the regulations, are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulations, as long as, in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of white-fringed beetles, except that such limitation is further conditioned upon the affected State's providing for and enforcing control of the movement within such State of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of currently existing Federal quarantine regulations, and upon the State's enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, shall be deemed adequate to prevent the spread therefrom within such State of the infestations of said insects: *Provided, further* That whenever the Chief of the Plant Pest Control Branch shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the supplemental regulations apply, except live white-fringed beetles in any stage of development, making it safe to modify, by making less stringent, the requirements contained in the regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof and for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

##### REGULATIONS

§ 301.72-1 *Definitions.* For the purpose of the regulations in this subpart the following terms shall be construed, respectively, to mean:

(a) *White-fringed beetle.* Species of the genus *Graphognathus*, in any stage of development.

(b) *Infestation.* The presence of white-fringed beetles.

(c) *Regulated areas.* The counties, parishes, cities, sections, townships, militia districts, and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.72-2 as regulated areas.

(d) *Nursery stock.* Forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots.

(e) *Regulated articles.* Products or articles of any character whatsoever, the movement of which is regulated by this quarantine (§ 301.72) and regulations supplemental thereto (§§ 301.72-1 to 301.72-11)

(f) *Inspector.* An inspector of the United States Department of Agriculture.

(g) *Moved (movement move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, interstate, directly or indirectly from a regulated area. "Movement" and "move" shall be construed accordingly.

(h) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(i) *Master certificate.* A document, indicating the quantity and nature of the articles covered thereby, issued by an inspector for use with bulk or lot shipments of regulated articles by rail, boat, or road vehicle, authorizing their movement.

(j) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

(k) *Dealer-carrier agreement.* A document, constituting an agreement to comply with stipulated quarantine conditions, executed by persons engaged in purchasing, handling, processing, utilizing, or moving regulated articles.

(l) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of the provisions thereof, by the Chief of the Plant Pest Control Branch, Agricultural Research Service.

(m) *Interstate.* From one State, Territory, or District of the United States into or through another.

§ 301.72-2 *Designation of regulated areas.* The Chief of the Plant Pest Control Branch, shall, from time to time, in administrative instructions promulgated by him, list the counties, parishes, cities, sections, townships, militia districts, and other minor civil divisions, or parts thereof, in the quarantined States, in which infestation of the white-fringed beetle has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such counties, parishes, cities, sections, townships, militia districts, and other civil divisions, or parts thereof, as constituting the regulated areas. Any civil division, or part thereof, so designated shall continue in a regulated status until the Chief of the Plant Pest Control Branch shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the white-fringed beetle therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, or part thereof, as a regulated area.

### § 301.72-3 *Regulated articles—*

(a) *White-fringed beetles; removal prohibited, exception.* The removal from any State or Territory to any other State or Territory or the District of Columbia, or from said District to any State or Territory, of live white-fringed beetles, except for scientific purposes, is prohibited by the Insect Pest Act (7 U. S. C. 141). Provisions for the removal of live white-fringed beetles, for scientific purposes, are set forth in § 301.72-10.

(b) *Other regulated articles; movement regulated.* Unless exempted by administrative instructions issued by the Chief of the Plant Pest Control Branch, the movement from any regulated area of any of the following is permitted only under the conditions provided in the regulations in this subpart:

(1) Forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots.

(2) Soil, compost, manure, peat, muck, clay, sand, or gravel, independent of or in connection with nursery stock, plants, plant products, or other products or articles, except that the movement of processed sand and gravel is not regulated.

(3) Grass sod; plant crowns or roots for propagation; true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured; potatoes (Irish) when freshly harvested; peanuts in shells, peanut shells and peanut hay.

(4) Uncleaned grass, grain and legume seed; hay (other than peanut hay), straw, seed cotton and cottonseed.

(5) Scrap metal and junk; brick, tile, stone; concrete slabs, pipes, and building blocks; and cinders.

(6) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(7) Other articles of any character whatsoever that might present a hazard of spread of white-fringed beetles.

§ 301.72-4 *Conditions governing interstate movement of certain regulated articles—*(a) *Certificate or limited permit required.* Except as exempted by administrative instructions of the Chief of the Plant Pest Control Branch, or as provided in § 301.72-10, regulated articles designated in § 301.72-3 (b) shall not be moved from any regulated area into or through any point outside thereof unless accompanied by a valid certificate or limited permit issued under § 301.72-5. In issuing such administrative instructions, the Chief of the Plant Pest Control Branch will designate the regulated articles to be exempt from the requirements of the regulations supplemental to the quarantine and set forth any special conditions which qualify certain articles for such exemption.

(b) *Use of certificates on shipments.* Unless exempted by administrative instructions, and except as provided in § 301.72-5 (b) for movement of noncertified shipments under limited permits to designated destinations for processing, every container of regulated articles moved from any regulated area shall have securely attached to the outside thereof a certificate issued in compliance with the regulations in this subpart. However, in the case of carload or less-than-carload shipments by freight, ex-

press, or truck, either in containers or in bulk, a single master certificate shall be attached to the waybill or invoice. In the case of less-than-carload shipments by freight or express, an additional certificate shall be attached to one of the containers.

(c) *Articles originating outside the regulated areas.* No certificates or limited permits are required for the movement of regulated articles designated in § 301.72-3 (b) which originate outside any regulated area and are moved through or reshipped from any regulated area, when the point of origin is clearly indicated, when the identity has been maintained, and when the articles have been protected while in the regulated area, in a manner satisfactory to the inspector.

(d) *Protecting certified articles.* Subsequent to certification as provided in § 301.72-3 (b), regulated articles must be loaded, handled, and shipped only under such protection and safeguards against infestation as are required by the inspector.

§ 301.72-5 *Conditions governing the issuance of certificates and limited permits—*(a) *Certificates.* Certificates may be issued for the movement from a regulated area of the regulated articles designated in § 301.72-3 (b) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(4) When grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement from a regulated area of noncertified regulated articles designated in § 301.72-3 (b) to such destinations and consignees as may be authorized and designated by the Plant Pest Control Branch for processing or other safe handling. As conditions of such authorization and designations, persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Plant Pest Control Branch to maintain such safeguards against the establishment and spread of infestation and to comply with such conditions as to maintenance of identity, handling, or subsequent movement of such articles, and to the cleaning or treatment of railway cars, trucks, and other means of conveyance, and containers used in the transportation of such articles, as may be required by the inspector.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person or firm engaged in producing, purchasing, assembling, exchanging, processing, or



transporting such regulated articles originating or stored in regulated areas, may be required to sign a dealer-carrier agreement stipulating that he will carry out any and all conditions, treatments, precautions, and sanitary measures which are deemed necessary by the inspector, including segregation and maintenance of identity, under supervision of the inspector, of all regulated articles.

§ 301.72-6 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles designated in § 301.72-3 (b) shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection. All costs, including storage, transportation, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

§ 301.72-7 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or canceled and further certificates or permits for such articles refused by the inspector whenever he determines the further use of such certificates or permits might result in the dissemination of white-fringed beetles.

§ 301.72-8 *Inspection of shipments en route.* Any vehicle, boat, ship, vessel, receptacle, or any other means of transportation, moving interstate which an inspector has probable cause to believe carries or contains any white-fringed beetles, the transportation of which is illegal, or any other regulated article controlled by § 301.72 and the regulations in this subpart shall be subject to inspection by the inspector.

§ 301.72-9 *Disinfesting vehicles, machinery, and other articles.* When in the judgment of the inspector a hazard of spread of white-fringed beetles is involved, thorough cleaning, disinfesting, or other sanitary treatments of railway cars, trucks, other vehicles, machinery, implements, and other articles, will be required by the inspector before they may be moved to points outside the regulated areas.

§ 301.72-10 *Shipments for experimental and scientific purposes.* Live white-fringed beetles may be removed from any State or Territory to any other State or Territory or the District of Columbia, or from said District to any State or Territory, and other articles subject to the requirements of the regulations in this subpart may be moved interstate from any regulated area, for experimental or other scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Plant Pest Control Branch. The container or, if there is none, the article itself shall bear, securely attached to the outside thereof, an identifying tag from the Plant Pest Control Branch.

§ 301.72-11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the regulations in this subpart, or for the chemical or mechanical injury of any commodity treated under the regulations in this subpart, other than for the services of the inspector.

This revision authorizes the Chief of the Plant Pest Control Branch to publish, from time to time, in administrative instructions a list of the minor civil divisions or parts thereof, in quarantined States, in which infestation of the white-fringed beetle has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested districts, and to designate such civil divisions or parts thereof as regulated areas. Civil divisions or parts thereof so designated will continue in a regulated status until the Chief of the Plant Pest Control Branch has determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the infestation therein or that regulation of such areas is not otherwise necessary for quarantine enforcement purposes, and has issued administrative instructions revoking the designation of such civil divisions or parts thereof as regulated areas.

The revision also makes the provisions of these regulations conform as closely as possible in phraseology with similar domestic plant quarantine regulations and makes numerous clarifying changes. Insofar as the revision relates to matters of internal management or makes formal changes, it should be made effective promptly to facilitate enforcement of the white-fringed beetle quarantine and regulations, and insofar as it imposes stricter requirements than heretofore have been enforced, it should be made effective promptly in order to prevent the spread of white-fringed beetles. In these respects good cause is found under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) for making the revision effective less than 30 days after publication in the FEDERAL REGISTER. Insofar as the revision relieves restrictions, it may be made effective less than 30 days after such publication under section 4 (c) of said act.

The foregoing quarantine and regulations shall be effective on and after November 8, 1956, on which date they shall supersede the quarantine and regulations effective March 17, 1949, as amended, effective May 10, 1951, July 5, 1952, September 29, 1953, and April 14, 1955 (7 CFR 301.72; 301.72-1 et seq.).

Done at Washington, D. C., this 5th day of November 1956.

[SEAL]

M. R. CLARKSON,  
Acting Administrator,  
Agricultural Research Service.

[F. R. Doc. 56-9155; Filed, Nov. 7, 1956; 8:57 a. m.]

[P. P. C. 485, 2d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES  
SUBPART—WHITE-FRINGED BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM CERTIFICATION REQUIREMENTS<sup>1</sup>

On August 23, 1956, there was published in the FEDERAL REGISTER (21 F. R. 6336), a notice of rule making setting forth proposed administrative instructions exempting certain articles from requirements of the regulations supplemental to White-Fringed Beetle Quarantine No. 72 (7 CFR 301.72<sup>1</sup>). After due consideration of all matters presented, and pursuant to the authority conferred on him by the second proviso of the white-fringed beetle quarantine (Notice of Quarantine No. 72, 7 CFR 301.72) under section 8 of the Plant Quarantine Act of 1912 (7 U. S. C. 161) the Chief of the Plant Pest Control Branch hereby issues revised administrative instructions exempting certain regulated articles from the certification and permit requirements of §§ 301.72-4 and 301.72-5 of the regulations supplemental to the said notice of quarantine (7 CFR 301.72-4,<sup>2</sup> 301.72-5<sup>3</sup>), such administrative instructions to appear as § 301.72a in Title 7, Code of Federal Regulations, as follows:

§ 301.72a *Administrative instructions exempting certain articles from requirements of regulations.* The Chief of the Plant Pest Control Branch has found that facts exist as to the pest risk involved in the movement of the following regulated articles making it safe to modify, by making less stringent, the requirements of the regulations supplemental to the white-fringed beetle quarantine as follows:

(a) The movement of the following articles, when they are free of soil, or when they have not been exposed to infestation, or when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector, is hereby exempted from the certification and permit requirements of §§ 301.72-4 and 301.72-5 of the regulations supplemental to the white-fringed beetle quarantine:

(1) Hay and straw, except that peanut hay is not exempt.

(2) Uncleaned grass, grain, and legume seed.

(3) Seed cotton and cottonseed.

(4) Potatoes (Irish) when freshly harvested, grown in the regulated areas in Baldwin or Escambia Counties, Alabama; or Escambia County, Florida.

(b) The movement of the following articles, when they meet the requirements of paragraph (a) of this section or when the storage yards or premises and environs thereof have been surface treated with an insecticide, at dosages administratively approved and at intervals prescribed by the inspector, is hereby exempted from the certification and permit requirements of §§ 301.72-4 and 301.72-5 of the regulations supplemental to the white-fringed beetle quarantine:

(1) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

<sup>1</sup> See F. R. Document 56-9155, *supra*.

(2) Brick, tile, stone; concrete slabs, pipe, building blocks; and cinders.

These amended administrative instructions shall be effective on November 8 1956, and on that date shall supersede P P C. 485, as revised effective May 20, 1954 (7 CFR 301.72a)

This amendment exempts the same articles as heretofore, but provides a less stringent condition for the exemption of forest products, brick, tile, stone, concrete slabs, pipe, and building blocks, and cinders and also relieves restrictions in other respects. It may therefore be made effective under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 1st day of November 1956.

[SEAL]

E. D. BURGESS,  
Chief,  
Plant Pest Control Branch.

[F. R. Doc. 56-9153; Filed, Nov. 7, 1956;  
8:57 a. m.]

[P. P. C. 618]

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### SUBPART—WHITE-FRINGED BEETLE

##### ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREAS

On August 23, 1956, there was published in the FEDERAL REGISTER (21 F. R. 6336) a notice of rule making setting forth proposed administrative instructions, under a proposed amendment of the white-fringed beetle quarantine and supplemental regulations, listing counties, parishes, cities, sections, townships, militia districts, and other minor civil divisions, and parts thereof, in the quarantined States, in which infestation of the white-fringed beetle has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, thereby proposing to designate such counties, and other civil divisions, and parts thereof, as white-fringed beetle regulated areas within the meaning of the provisions in this subpart. After due consideration of all matters presented pursuant to the notice of rule making and pursuant to § 301.72-2 of the regulations supplemental to the white-fringed beetle quarantine, as amended (7 CFR 301.72-2<sup>1</sup>) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161) administrative instructions are hereby issued as follows:

§ 301.72-2a *Administrative instructions designating regulated areas under the white-fringed beetle quarantine and regulations.* Infestations of white-fringed beetles have been determined to

exist, in the quarantined States, in the respective counties, parishes, cities, sections, townships, militia districts, and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such civil divisions and parts thereof are hereby designated as white-fringed beetle regulated areas within the meaning of the provisions in this subpart:

##### ALABAMA

*Baldwin County.* S½ T. 3 S., Rs. 3 and 4 E., SE¼ T. 3 S., R. 2 E., Tps. 4 and 5 S., Rs. 3 and 4 E., E½ Tps. 4 and 5 S., R. 2 E., Tps. 6 and 7 S., R. 4 E., E½ T. 7 S., R. 3 E., E½ and secs. 3, 4, 5, 6, 7, 8, 9, and 10, T. 6 S., R. 3 E., secs. 1, 2, 3, 10, 11, and 12, T. 6 S., R. 2 E., secs. 1, 2, 11, and 12, T. 8 S., R. 3 E., secs. 6 and 7, T. 8 S., R. 4 E., S½ T. 7 S., R. 5 E., and T. 7 S., R. 6 E.

*Clarke County.* N½ T. 8 N., R. 3 E., and S½ T. 9 N., R. 3 E., including all of the town of Grove Hill; and all that area lying within the corporate limits of the town of Jackson.

*Coffee County.* That part of the county lying south of the South line of T. 6 N.

*Conecuh County.* T. 5 N., Rs. 9, 10, 11, 12, 13, and 14 E., T. 6 N., Rs. 10, 11, 12, and 13 E., and those parts of T. 4 N., R. 7 E., T. 5 N., Rs. 7 and 8 E., T. 6 N., Rs. 8 and 9 E., Tps. 7 and 8 N., R. 9 E., and Tps. 7, 8, and 9 N., R. 10 E., lying in Conecuh County.

*Covington County.* All of Covington County.

*Crenshaw County.* Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E., and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E., including all of the town of Luverne.

*Dale County.* Secs. 25 and 36, T. 4 N., R. 25 E., secs. 28, 29, 30, T. 4 N., R. 26 E.

*Dallas County.* Tps. 13, 14, 15, 16, and 17 N., Rs. 10 and 11 E., the N½ of T. 15 N., Rs. 6, 7, 8, and 9 E., T. 16 N., Rs. 7, 8, and 9 E.

*Escambia County.* Tps. 1, 2, and 3 N., Rs. 6, 7, and 8 E.; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and all area south thereof to the Alabama State line.

*Geneva County.* All of Geneva County.

*Houston County.* All of Houston County west of west line of R. 28 E.

*Jefferson County.* Secs. 17, 18, 19, and 20, T. 18 S., R. 3 W., and that area included within the corporate limits of the city of Birmingham.

*Lowndes County.* All of T. 14 N., R. 12 E.

*Marengo County.* Secs. 28, 29, 30, 31, 32, and 33, T. 16 N., R. 3 E., and secs. 4, 5, 6, 7, 8, and 9, T. 15 N., R. 3 E.

*Mobile County.* All of Mobile County.

*Monroe County.* All of Monroe County.

*Montgomery County.* Tps. 16 and 17 N., Rs. 17, 18, and 19 E., and that part of T. 18 N., R. 18 E., lying in Montgomery County.

*Wilcox County.* N½ T. 10 N., Rs. 6, 7, 8, 9, 10, and 11 E., T. 11 N., Rs. 8, 9, 10, and 11 E., T. 12 N., Rs. 9 and 10 E., that part of T. 12 N., R. 8 E., lying south of the Alabama River; and those portions of T. 13 N., Rs. 8 and 9 E., lying east of the Alabama River and south of Pine-Barren Creek.

##### FLORIDA

*Escambia County.* All of Escambia County.

*Holmes County.* S½ T. 6 N., R. 15 W., except secs. 18, 19, 30, and 31; NE¼ and secs. 22, 23, and 24, T. 5 N., R. 15 W., including all of the town of Smyrna; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 5 N., R. 14 W., secs. 29, 30, 31, and 32; T. 6 N., R. 14 W., and E½ of Tps. 4, 5, 6, and 7 N., R. 18 W.

*Jackson County.* All of Jackson County east of Cowarts Creek and the Chipola River.

*Okaloosa County.* That part of the county lying north of the south line of T. 2 N.

*Santa Rosa County.* All of Santa Rosa County.

*Walton County.* That part of the county lying north of the south line of T. 3 N.

##### GEORGIA

*Baldwin County.* That area included within the corporate limits of the city of Milledgeville, and an area one mile wide beginning at the north corporate limits of Milledgeville extending northerly along U. S. Highway No. 441 with said highway as a center line for a distance of one mile.

*Ben Hill County.* That area included within a circle having a 2-mile radius and center at the Ben Hill County Courthouse in Fitzgerald, including all of the city of Fitzgerald.

*Berrien County.* That area included within the corporate limits of the city of Nashville.

*Bibb County.* That area included within the Georgia Militia Districts of East Macon, Godfrey, Vineville, Hazzard, and Howard; and that portion of the Georgia Militia District of Rutland lying east of a line beginning at the point where U. S. Highway No. 41 crosses the north boundary of said militia district (Tobesofkee Creek) and running southward along said highway to its junction with Hartley Bridge Road and thence southwestward along said road to the west boundary line of said militia district.

*Bleckley County.* That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a boundary beginning at the intersection of Georgia State Highway 112 and the Bleckley-Twiggs County line, thence northeast along said county line to the intersection of the Bleckley, Twiggs, Wilkinson, and Laurens County lines, thence southeast for a distance of 1 mile along the Bleckley-Laurens County line, and thence northwest to the point of beginning.

*Bulloch County.* That area included within a circle having a 2-mile radius and center at the Bulloch County Courthouse in Statesboro, including all of the city of Statesboro; and that area included within a circle having a 1-mile radius and center at the Georgia and Florida Railroad depot in Portal, including all of the town of Portal.

*Burke County.* That area, comprising parts of Georgia Militia Districts numbers 60 and 62, bounded on the east by Fitz Branch, on the south by a line beginning at the intersection of Georgia State Highway 56 and the Hephzibah Road and extending due east to its intersection with Fitz Branch, on the west by Hephzibah Road, and on the north by Brier Creek, including all of the city of Waynesboro.

*Candler County.* That area included within a circle having a 1¼-mile radius and center at the intersection in Metter of Georgia State Highways 23 and 46, including all of the city of Metter.

*Coffee County.* That area included within the corporate limits of the city of Douglas; an area 2 miles wide beginning at the north corporate limits of the city of Douglas and extending northward along U. S. Highway No. 441 with said highway as a centerline to and bounded on the north by Seventeen Mile Creek; that area included within a circle having a 2-mile radius and center at the Atlanta, Birmingham and Coast Railroad depot in Ambrose, including all of the town of Ambrose; and an area 3 miles wide beginning at a line projected due east and due west from a point on the Georgia and Florida Railroad 1 mile northwest of the railroad depot in Broxton, and extending northwestward with said railroad as a centerline to and bounded on the north by Georgia State Highway 107.

<sup>1</sup> See F. R. Document 56-9155, *supra*.

**Crawford County.** That area included within a circle having a 1½-mile radius and center at the intersection in Roberta of U. S. Highway No. 80 and Georgia State Highway 7, including all of the city of Roberta and the town of Knoxville.

**Crisp County.** That area included within the corporate limits of the city of Cordele.

**Dodge County.** That area included within land lots numbers 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41, and 42 in the Fifteenth Land District, and land lots numbers 278, 279, 280, 281, 282, 289, 290, 291, 292, 293, 294, 295, 306, 307, 308, 309, 310, 311, and 312 in the Sixteenth Land District, including all of the city of Eastman.

**Emanuel County.** That area included within a circle having a 1½-mile radius and center at the Union Grove Methodist Church in Georgia Militia District No. 49.

**Fulton County.** That area included within the corporate limits of the city of East Point.

**Greene County.** That area included within the corporate limits of the city of Greensboro.

**Houston County.** That area included within the lower Fifth Georgia Militia District, including all of the city of Warner Robins and all of Robins Air Force Base; an area 2 miles wide beginning north of Perry and bounded on the north by Mossy Creek and extending southward along U. S. Highway No. 41 with said highway as a centerline to and bounded on the south by Georgia State Highway 26, including all of the city of Perry; and an area 2 miles wide beginning north of Clinchfield and bounded on the north by Big Indian Creek and extending southwesterly along the Southern Railway with said railway as a centerline to and bounded on the south by Burnham Branch southwest of Grovania, including all of the communities of Clinchfield and Grovania.

**Irwin County.** That area included within a circle having a ½-mile radius and center at the intersection in Irwinnville of Georgia State Highway 32 and the Jefferson Davis Memorial State Park Road; that area included within a circle having a 2-mile radius and center at the Irwin County Courthouse at Ocilla, including all of the city of Ocilla; an area 1 mile wide bounded on the south and east by the Irwin-Coffee County line and extending northwesterly along the Atlanta, Birmingham and Coast Railroad with said railroad as a centerline for a distance of 1¼ miles beyond the Atlanta, Birmingham and Coast Railroad depot in Wray; and an area 2 miles wide beginning at the Atlanta, Birmingham and Coast Railroad in Georgia Militia District No. 1661 and extending southeasterly along Georgia State Highway 32 with said highway as a centerline to the east boundary of said militia district.

**Jasper County.** That area included within Georgia Militia Districts numbers 262, 289, and 295; and that portion of Georgia Militia Districts numbers 288 and 291 lying south of Whiteoak and Murder Creeks.

**Jefferson County.** That area included within the corporate limits of the city of Louisville; and that area included within a circle having a 1-mile radius and center at the Central of Georgia Railway depot in Bartow, including all of the town of Bartow.

**Johnson County.** That area included within the corporate limits of the city of Wrightsville; and an area 1 mile wide beginning at the west corporate limits of Wrightsville and extending southwesterly along Georgia State Highway 15 with said highway as a center line to the Ochopee River.

**Laurens County.** Those portions of the Georgia Militia Districts of Dublin, Dudley, and Harvard included within an area 2 miles wide beginning at the west corporate limits of Dublin and extending northwesterly along the Macon, Dublin and Savannah Railroad with said railroad as a center line to the Laurens-Wilkinson and Laurens-Bleckley

County lines, including all of the towns of Dudley and Montrose and that portion of Allentown lying in Laurens County; that area included within the corporate limits of the city of Dublin; an area 2 miles wide beginning at the north corporate limits of Dublin and extending northward along Georgia State Highway 29 with said highway as a center line for a distance of 3 miles; and that portion of the Georgia Militia District of Smith lying north of the Macon, Dublin and Savannah Railroad and east of Shaddock Creek.

**Macon County.** That area lying east of Flint River including the cities of Marshallville and Montezuma; and that area included within the corporate limits of Oglethorpe.

**Monroe County.** That area included within the corporate limits of the city of Forsyth.

**Montgomery County.** That area bounded on the east by the Montgomery-Toombs County line, on the south by Rocky Creek, on the west by Georgia State Highway 29, and on the north by Swift Creek; and those areas included within the corporate limits of the city of Mount Vernon and the town of Alley.

**Newton County.** That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale.

**Peach County.** That area included within the Georgia Militia District of Fort Valley, including all of the city of Fort Valley; and that area included within the corporate limits of the town of Byron.

**Putnam County.** That area included within the Georgia Militia District of Ashbank.

**Richmond County.** That portion of the Georgia Militia District of Forest Hills bounded on the south by Raes Creek and Lake Olmsted and on the west by the Berkman Road and a line extended due north from the point of intersection of the Berkman and Washington Roads.

**Screven County.** That area included within a circle having a 2-mile radius and center at the Screven County Courthouse in Sylva, including all of the city of Sylva.

**Sumter County.** That area included within the corporate limits of the city of Americus; and an area 1 mile wide beginning at the east corporate limits of Americus and extending along U. S. Highway No. 280 with said highway as a center line to Mill Creek.

**Taylor County.** That area included in the Georgia Militia District of Reynolds, including all of the town of Reynolds; and that area included within a circle having a 2½-mile radius and center at Taylor County Courthouse in Butler, including all of the town of Butler.

**Toombs County.** That area bounded on the east by the east boundaries of the Georgia Militia Districts of Vidalia and Center, on the south by Rocky Creek, on the west by the Toombs-Montgomery County line, and on the north by Swift Creek, including all of the city of Vidalia.

**Treutlen County.** That area included within the corporate limits of the city of Soperton; and an area 1 mile wide beginning at the south corporate limits of Soperton and extending southeasterly along Georgia State Highway 29 with said highway as a center line to the Treutlen-Montgomery County line.

**Turner County.** That area bounded on the east by a line parallel to and ½ mile east of the Sycamore town limits, on the south by a line parallel to and ½ mile south of the Sycamore town limits, on the west by a line parallel to and ½ mile west of the Sycamore town limits, on the north by a line parallel to and ½ mile north of the Sycamore town limits, and the projections of such lines to their intersections, including all of the town of Sycamore; and that part of the Georgia Militia District of Clements included within a circle having a ¾-mile radius and center at the Bethel School.

**Twiggs County.** That portion of the Georgia Militia District of Higgsville

bounded on the east by the Twiggs-Wilkinson County line, on the south by the Twiggs-Bleckley County line, on the north by a line parallel to and 3½ miles north of the Twiggs-Bleckley County line, on the west by a line parallel to and 1 mile west of the Twiggs-Wilkinson County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Twiggs County.

**Washington County.** That area included within a circle having a 5-mile radius and center at the Washington County Courthouse in Sandersville, including all of the city of Sandersville and the city of Tonnille.

**Wheeler County.** That area included within land lots numbers 40, 41, 42, 43, 48, 49, 50, 51, 70, 71, 72, 73, 78, 79, 80, 81, 100, 101, 102, and 103, in the Eleventh Land District, including all of the town of Alamo.

**Wilkinson County.** That portion of the Georgia Militia District of Turkey Creek bounded on the west by the Wilkinson-Twiggs County line, on the south by the Wilkinson-Laurens County line, on the east by a line parallel to and 1¼ miles east of the Wilkinson-Twiggs County line, on the north by a line parallel to and 3½ miles north of the Wilkinson-Laurens County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Wilkinson County.

#### LOUISIANA

**East Baton Rouge Parish.** T. 7 S., Rs. 1 and 2 E.

**Jefferson Parish.** That part lying north of the township line between Tps. 14 and 15 S.

**Orleans Parish.** All of Orleans Parish, including the city of New Orleans.

**Plaquemines Parish.** That part lying north of the township lines between Tps. 15 and 16 S.

**Saint Bernard Parish.** All of Saint Bernard Parish.

**Saint Tammany Parish.** Secs. 38, 39, and 40, T. 7 S., R. 11 E.; secs. 40 and 41, T. 8 S., R. 11 E.; and that area lying south of the north line of T. 10 N.

**Tangipahoa Parish.** Secs. 26, 27, 28, 33, 34, and 35, T. 5 S., R. 7 E.; secs. 2, 3, 4, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, 35, and 36, T. 6 S., R. 7 E.; secs. 19, 30, and 31, T. 6 S., R. 8 E.; including all of the town of Hammond; secs. 32, 33, and 50, T. 3 S., R. 7 E.; and secs. 4, 5, 8, 9, 10, 50, and 54, T. 4 S., R. 7 E., including all of the town of Amite.

**Washington Parish.** All of Tps. 1, 2, 3, and 4 S., R. 14 E.; E½ Tps. 3 and 4 S., R. 13 E.; E½ Tps. 1 and 2 S., R. 13 E.; secs. 23, 24, 25, 34, 36, 44, 45, 46, 47, 48, 51, 52, 53, and 54, T. 2 S., R. 10 E.; secs. 3, 10, 14, 15, 39, 40, 41, 42, 43, 46, 48, 49, 50, and 51, T. 3 S., R. 10 E.; secs. 19, 20, 29, 30, 31, 32, 38, and 39, T. 2 S., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 37, 38, 39, 40, 41, 43, 49, and 50, T. 3 S., R. 11 E.

#### MISSISSIPPI

**Attala County.** Secs. 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 14 N., R. 7 E.; secs. 19, 30, and 31, T. 14 N., R. 8 E.; sec. 6, T. 13 N., R. 8 E.; secs. 1 and 2, T. 13 N., R. 7 E.

**Clarke County.** Secs. 4, 5, 6, 7, 8, and 9, T. 2 N., R. 14 E.; secs. 4, 5, 8, and 9, T. 4 N., R. 15 E.; secs. 6, 7, and 18, T. 2 N., R. 16 E.; sec. 31, T. 3 N., R. 16 E.; secs. 34, 35, and 36, T. 3 N., R. 15 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 2 N., R. 15 E.; W½ T. 1 N., R. 14 E.; and W½ T. 10 N., R. 9 W.

**Copiah County.** Secs. 32, 33, 34, 35, and 36, T. 1 N., R. 2 W.; secs. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, and 17, T. 10 N., R. 8 E.

**Covington County.** All of Covington County.

**Forrest County.** All of Forrest County.

**George County.** Secs. 27, 28, 29, 32, 33, 34, 35, and 36, T. 1 S., R. 6 W., including all of the town of Lucedale; N½ T. 2 S., R. 6 W.,

except secs. 6, 7, and 18; secs. 5, 6, 7, 8, 17, and 18, T. 2 S., R. 5 W., and that part of secs. 31 and 32, T. 1 S., R. 5 W., lying south of Mississippi State Highway 15.

**Greene County.** Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 2 N., R. 8 W.

**Hancock County.** All of Hancock County.

**Harrison County.** All of Harrison County.

**Hinds County.** Secs. 2, 3, 4, 9, 10, and 11, T. 7 N., R. 1 W., E $\frac{1}{2}$  T. 6 N., R. 3 W., W $\frac{1}{2}$  T. 6 N., R. 2 W., and that area within the corporate limits of Jackson.

**Jackson County.** All of Jackson County.

**Jasper County.** T. 3 N., R. 10 E., W $\frac{1}{2}$  T. 2 N., R. 10 E., secs. 3, 4, 5, 6, 32, 33, and 34, T. 1 N., R. 10 E., secs. 1, 2, and 3, T. 10 N., R. 13 W., T. 1 N., R. 13 E., that portion of T. 10 N., R. 9 W., and the E $\frac{1}{2}$  T. 10 N., R. 10 W., lying in Jasper County.

**Jefferson Davis County.** All of Jefferson Davis County.

**Jones County.** All of Jones County.

**Lamar County.** All of Lamar County.

**Lauderdale County.** Secs. 1, 12, 13, 14, 22, 23, 24, 26, 27, 34, and 35, T. 6 N., R. 15 E., secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 6 N., R. 16 E., sec. 31, T. 7 N., R. 16 E., and sec. 36, T. 7 N., R. 15 E., including all of the town of Meridian.

**Lawrence County.** That part lying east of Pearl River.

**Leake County.** Secs. 31 and 32, T. 11 N., R. 8 E., secs. 34, 35, and 36, T. 11 N., R. 7 E., W $\frac{1}{2}$  T. 10 N., R. 8 E., and E $\frac{1}{2}$  T. 10 N., R. 7 E., and T. 9 N., R. 8 E.

**Lincoln County.** T. 7 N., R. 8 E., and E $\frac{1}{2}$  T. 7 N., R. 7 E.

**Marion County.** N $\frac{1}{2}$  T. 3 N., Rs. 17, 18, and 19 W., T. 4 N., Rs. 17, 18, and 19 W., T. 5 N., R. 17 W., and all of T. 5 N., Rs. 18 and 19 W., in Marion County.

**Pearl River County.** All of Pearl River County.

**Perry County.** S $\frac{3}{4}$  T. 3 N., Rs. 9, 10, and 11 W., T. 2 N., R. 9 W., secs. 5 and 6, T. 4 N., R. 9 W., secs. 1 and 2, T. 4 N., R. 10 W., secs. 25, 26, 35, and 36, T. 5 N., R. 10 W., secs. 29, 30, 31, and 32, T. 5 N., R. 9 W.

**Pike County.** Secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 3 N., R. 8 E., secs. 31 and 32, T. 4 N., R. 8 E., and secs. 34, 35, and 36, T. 4 N., R. 7 E.

**Rankin County.** T. 3 N., Rs. 2 and 3 E., T. 4 N., Rs. 1 and 2 E., Tps. 5 and 6 N., Rs. 1 and 2 E.

**Scott County.** W $\frac{1}{2}$  T. 8 N., R. 8 E., and secs. 3, 4, 5, and 6, T. 7 N., R. 8 E.

**Simpson County.** Tps. 9 and 10 N., Rs. 17, 18, and 19 W., T. 1 N., Rs. 4, 5, and 6 E., T. 2 N., Rs. 3, 4, and 5 E.

**Stone County.** All of Stone County.

**Walsh County.** Secs. 23, 24, 25, 26, 35, and 36, T. 2 N., R. 10 E.; N $\frac{1}{2}$  T. 1 N., R. 11 E., N $\frac{1}{2}$  T. 1 N., R. 12 E., S $\frac{1}{2}$  T. 2 N., R. 11 E., S $\frac{1}{2}$  T. 2 N., R. 12 E.

**Warren County.** All that area lying within the corporate limits of the city of Vicksburg, and that area included within a boundary beginning at a point where Halls Ferry Road intersects the corporate limits of the city of Vicksburg, thence southeast along said road to the point of its intersection with the range line between Rs. 3 and 4 E., thence south along the range line to the SE corner sec. 42, T. 15 N., R. 3 E., thence west along the section line to the Mississippi River, thence north along the east bank of the Mississippi River to said corporate limits, and thence along the south corporate limits to the point of beginning.

**Wayne County.** Secs. 19, 20, 29, 30, 31, and 32, T. 7 N., R. 5 W., secs. 24, 25, and 36, T. 7 N., R. 6 W., secs. 6, 7, and 18, T. 8 N., R. 6 W., secs. 1, 2, 11, 12, 13, and 14, T. 8 N., R. 7 W.

#### NORTH CAROLINA

**Anson County.** An area 2 miles wide beginning at the Anson-Union County line and

extending easterly along the Seaboard Air Line Railroad with said railroad as a center line to a due north-south line projected through the point of intersection of said railroad with the east corporate limits of Polkton, including all of the towns of Peachland and Polkton.

**Brunswick County.** All of Eagles Island.

**Cumberland County.** That area included within a circle having a  $4\frac{1}{2}$ -mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

**Duplin County.** That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending northwesterly along U. S. Highway No. 117 with said highway as a center line for a distance of 3 miles.

**Edgecombe County.** That portion of the city of Rocky Mount lying in Edgecombe County.

**Harnett County.** An area 4 miles wide bounded on the north by the Harnett-Wake County line and extending along U. S. Highway No. 15-A with said highway as a center line for a distance of 5 miles.

**Jones County.** An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately  $1\frac{1}{2}$  miles south of the Atlantic Coast Line Railroad depot in Pollocksville, and extending southerly with said railroad as a centerline for a distance of 3 miles.

**Nash County.** That portion of the city of Rocky Mount lying in Nash County.

**New Hanover County.** That area included within the corporate limits of the city of Wilmington; all of Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and all that part of Masonboro Township lying north of the Sunset Park-Winter Park Road.

**Onslow County.** That area  $3\frac{1}{2}$  miles wide extending along U. S. Highway 17 with said highway as a centerline from Southwest Creek on the south to Starky Creek on the north, including all of the city of Jacksonville; and all of that portion of Onslow County included within the boundaries of the Camp Lejeune Marine Base.

**Pender County.** All of that portion of Pender County lying west of a line parallel to and 8 miles west of the Pender-Onslow County line.

**Union County.** An area 2 miles wide beginning at a line projected due north and due south from a point where the west corporate limits of Marshville intersect the Seaboard Air Line Railroad and extending easterly with said railroad as a centerline to the Union-Anson County line, including all of the town of Marshville.

**Wake County.** An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of intersection of U. S. Highway No. 15-A and the Norfolk Southern Railway, approximately  $1\frac{1}{2}$  miles east of the Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U. S. Highway No. 15-A with said highway as a center line to the Wake-Harnett County line, including all of the town of Fuquay Springs.

**Wayne County.** All of Goldsboro Township, including all of the city of Goldsboro; an area 2 miles wide beginning at the west boundary of Goldsboro Township and extending northwesterly along U. S. Highway No. 70 with said highway as a center line to the Wayne-Johnston County line; an area 2 miles wide beginning at the north boundary of Goldsboro Township and extending north-

erly along the Atlantic Coast Line Railroad with said railroad as a center line to the Wayne-Wilson County line, including all of the towns of Pikeville and Fremont; and an area bounded on the north by the Atlantic and East Carolina Railway, on the west by Stony Creek, on the south by the Neuse River, and on the east by a line beginning at the junction of U. S. Highway No. 70 and North Carolina State Highway 111 and extended due north and due south to its intersections with the north and south boundaries, including all of Seymour Johnson Field.

#### SOUTH CAROLINA

**Beaufort County.** That area bounded on the east by Wimbee Creek and Bull River, on the south by Whale Branch and the Coosaw River, on the west by Haulover Creek, and on the north by a line parallel to and one-half mile north of the Seaboard Air Line Railroad between Wimbee and Haulover Creeks.

**Fairfield County.** That area included within a circle having a 2-mile radius and center at the intersection of South Carolina State Highways 22 and 227, approximately  $5\frac{1}{2}$  miles northwest of the city of Winnsboro.

#### TENNESSEE

**Hamilton County.** That area included within a circle having a  $\frac{1}{2}$ -mile radius and center at the office of the Shell Oil Corporation bulk plant located on Jersey Pike Road.

**Hardeman County.** That area included within a circle having a 3-mile radius and center at the courthouse in Bolivar.

**Shelby County.** All of Shelby County.

**Tipton County.** That area within the corporate limits of the town of Mason and that area within a  $\frac{1}{2}$ -mile radius on the east, north, and west, and to the Shelby County line on the south with the center at E. L. Reed homeplace.

These administrative instructions shall become effective November 8, 1956.

The instructions list the localities that are regulated under a revision of the white-fringed beetle notice of quarantine and supplemental regulations that is to become effective as soon as possible. They add to the regulated areas for the first time part of Dale county, Alabama, and parts of Copiah, Lincoln, Pike, Scott, and Walthall counties, Mississippi; and increase the size of the regulated areas in Geneva, Houston, and Mobile counties, Alabama; Jackson county, Florida; Hinds, Leake and Marion counties, Mississippi; and Shelby and Tipton counties, Tennessee. Fourteen sections in Iberia Parish, Louisiana are removed from the regulated areas.

The regulations and instructions must be made concurrently effective in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) good cause is found for making the instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 1st day of November 1956.

[SEAL] E. D. BURGESS,  
Chief,  
Plant Pest Control Branch.

[F. R. Doc. 56-9154; Filed, Nov. 7, 1956; 8:57 a.m.]

# TITLE 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of Foreign Commerce, Department of Commerce

### Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 18<sup>1</sup>]

#### PART 371—GENERAL LICENSES

#### PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

#### MISCELLANEOUS AMENDMENTS

1. Section 371.13 *General licenses Ship Stores, Plane Stores, Crew, and Registered Carrier Stores* paragraphs (a) (1) *Scope* and (b) (1) *Scope* are amended to read as follows:

(a) *General license Ship Stores*—(1) *Scope*. A general license designated SHIP STORES is hereby established authorizing, subject to the provisions set forth below, the exportation on vessels of foreign registry departing from the United States, of usual and reasonable kinds and quantities of the indicated commodities provided such commodities are not intended for unlading in a foreign country and are not exported under a Bill of Lading as cargo.

(i) The following commodities may be exported, subject to the conditions set forth in subparagraph (2) of this paragraph; for use or consumption on board a vessel of any registry, except a vessel registered in Communist China or North Korea, or a vessel controlled by or under charter to Communist China or North Korea or a national of Communist China or North Korea, during the outgoing and any immediate return voyage:

- (a) Bunker fuel,
- (b) Deck, engine, and steward department stores, provisions and supplies for both port and voyage requirements,
- (c) Medical and surgical supplies,
- (d) Food stores,
- (e) Slop chest articles, and
- (f) Saloon stores or supplies.

(ii) Equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel of any registry, except a vessel registered in a Subgroup A country, or a vessel controlled by or under charter to a Subgroup A country or a national of a Subgroup A country.

(b) *General License Plane Stores*—(1) *Scope*. A general license designated Plane Stores is hereby established authorizing, subject to the provisions set forth in this section, the exportation on aircraft of foreign registry departing from the United States, of usual and reasonable kinds and quantities of the indicated commodities provided such commodities are not intended for unlading in a foreign country and are not exported under a Bill of Lading as cargo.

(i) The following commodities may be exported, subject to the conditions set forth in subparagraph (2) of this para-

graph, for use or consumption on board an aircraft of any registry, except an aircraft registered in Communist China or North Korea, or controlled by or under charter to Communist China or North Korea or a national of Communist China or North Korea, during the outgoing and any immediate return voyage:

- (a) Fuel,
- (b) Deck, engine, and steward department stores, provisions and supplies for both port and voyage requirements,
- (c) Medical and surgical supplies,
- (d) Food stores,
- (e) Slop chest articles, and
- (f) Saloon stores or supplies.

(ii) Equipment and spare parts for permanent use on an aircraft, when necessary for the proper operation of such aircraft, may be exported on board an aircraft of any registry, except an aircraft registered in a Subgroup A country, or an aircraft controlled by or under charter to a Subgroup A country or a national of a Subgroup A country.

2. Section 380.5 *Amendments to licenses issued for the exportation of*

*refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms* is revoked.

This amendment shall become effective as of November 1, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9319, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,  
Director,

Bureau of Foreign Commerce.

[F. R. Doc. 56-9132; Filed, Nov. 7, 1956; 8:54 a. m.]

[8th Gen. Rev. of Export Regs., Amdt. 19]

#### PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

##### TABLE OF COMPLIANCE ORDERS

Section 382.51 *Supplement 1, table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

1. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
A. O. I., S. A., a/k/a Automobiles Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland.	10-4-56	12-2-56.....	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 7703, 10-9-56.
Americauto, 44 rue Brunel, Paris, France.	10-4-56	12-2-56.....	do	21 F. R. 7703, 10-9-56.
Anderson & Co., Waterbergstrasse 10, Bremen 23, Germany.	11-3-56	12-3-56.....	do	21 F. R. 7699, 10-9-56.
Automobiles Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland.	10-4-56	12-2-56.....	do	21 F. R. 7703, 10-9-56.
Automotive Equipment Supply Corporation, 8-10 Bridge St., New York, N. Y., and Levallois-Perret (Seine), France.	10-4-56	12-2-56.....	do	21 F. R. 7703, 10-9-56.
Bensa, Jacques d/b/a Americauto, 44 rue Brunel, Paris, France.	10-4-56	12-2-56.....	do	21 F. R. 7703, 10-9-56.
Condor Industries, Inc., 125 Cedar St., New York 6, N. Y.	10-4-56	10-3-57.....	do	21 F. R. 7699, 10-9-56.
Essex International Corporation, 120 Liberty St., New York 6, N. Y.	10-4-56	10-3-57.....	do	21 F. R. 7699, 10-9-56.
Imex-Auto, S. A. R. L. 56 rue du President Wilson, Levallois-Perret (Seine), France.	10-4-56	12-2-56.....	do	21 F. R. 7703, 10-9-56.
Mussman, George, 8-10 Bridge St., New York, N. Y., and Levallois-Perret (Seine), France.	10-4-56	12-2-56.....	do	21 F. R. 7703, 10-9-56.
Schonfeld, Fred W., 125 Cedar St. and 120 Liberty St., New York 6, N. Y.	10-4-56	10-3-57 (Duration). <sup>1</sup>	do	21 F. R. 7699, 10-9-56.
South Sea Trading Co., Ltd., 314 China Bldg., Hong Kong.	10-4-56	Duration.....	do	21 F. R. 7699, 10-9-56.
Trans-International Forwarders, Inc., 82 Beaver St., New York 5, N. Y.	11-3-56	11-17-57.....	do	21 F. R. 7699, 10-9-56.
United States Navigation Co., Inc., 17 Battery Pl., New York 4, N. Y.	(10-4-56)	(2-4-57) <sup>1</sup> .....	General and validated licenses, all commodities, any destination, also exports to Canada. (No actual period of suspension. On probation from 10-4-56 to 2-4-57).	21 F. R. 7699, 10-9-56.

<sup>1</sup> This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

2. The following entries are amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
KESCO, G. m. b. H., Mainluststrasse 8, Frankfurt, Germany.	3-29-55	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 2093, 4-2-55. 21 F. R. 7699, 10-9-56.
Kessler, Hans Jr., Kessler, Hans Sr., Mainluststrasse 8, Frankfurt, Germany.	3-29-55	Duration.....	do	20 F. R. 2093, 4-2-55. 21 F. R. 7699, 10-9-56.

<sup>1</sup> This amendment was published in Current Export Bulletin No. 773, dated November 1, 1956.



(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

[8th Gen. Rev. of Export Regs., Amdt. P. L. 5<sup>1</sup>]  
PART 399—POSITIVE LIST OF COMMODITIES  
AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

LORING K. MACY,  
Director,  
Bureau of Foreign Commerce.

Section 399.1 Appendix A—Positive  
List of Commodities is amended in the  
following particulars:

[F. R. Doc. 56-9133; Filed, Nov. 7, 1956;  
8:54 a. m.]

1. The following commodities are  
added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and re- lated com- modity group	GLV dollar- value limits	Validated license required
	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c. (report counter current solvent extractors and bowl-type centrifuges in 775300):				
919080	Electroplotters <sup>1,2</sup>	No.	SATE	None	RO
919080	Parts, n. e. c., specially fabricated for electroplotters <sup>1,2</sup>	No.	SATE	25	RO
919080	Infra-red light equipment for testing fluorescence in minerals. <sup>1</sup>	No.	SATE	None	RO
919080	Parts, n. e. c., specially fabricated for infra-red equipment for testing fluorescence in minerals. <sup>1</sup>	No.	SATE	25	RO
919080	Ballistic film analyzer and recorder units <sup>1</sup>	No.	SATE	None	RO
919080	Parts, n. e. c., specially fabricated for ballistic film analyzer and recorder units. <sup>1</sup>	No.	SATE	25	RO

<sup>1</sup> This commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective Dec. 17, 1956.

<sup>2</sup> This commodity may be exported under the Foreign Distribution Licensing procedure (see Part 378 of this subchapter).

This part of the amendment shall become effective as of November 8, 1956.

2. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and re- lated com- modity group	GLV dollar- value limits	Validated license required
206000	Tires, tire casings and inner tubes, new and used (report scrap tires, solid and pneumatic, scrap tire casings and scrap inner tubes, cut or uncut, under 201200): Pneumatic tires and tire casings: Truck and bus tires and tire casings: (a) All sizes, combat or run-flat construction; (b) all sizes 650 x 19, 650 x 20, and 700 x 16 of 6-ply rating and over; (c) all sizes 700 x 20, 750 x 20, 900 x 16, and 900 x 20 of 8-ply rating and over; (d) size 34 x 7 of 10-ply rating and over; (e) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; (f) all tubeless tire sizes 7-17.5, 7-21, 7-22.5, 8-16, 8-17.5, and 8-21 in 6-ply rating and over; (g) tubeless tire size 8-22.5 in 8-ply rating and over; (h) all tubeless tire sizes 10-21 and 10-22.5 in 10-ply rating and over; and (i) all tubeless tire sizes 12-21, 13-21, and 14-21 in 12-ply rating and over. (Specify type of tire tread design, tire size and ply.) <sup>2,3</sup>	No.	RUBR 10	100	RO
206430	Off-the-road tires and tire casings (except farm tractor and implement): (a) All sizes, combat or run-flat construction; (b) all sizes 650 x 19, 650 x 20, and 700 x 16 of 6-ply rating and over; (c) all sizes 700 x 20, 750 x 20, 900 x 16, and 900 x 20 of 8-ply rating and over; (d) size 34 x 7 of 10-ply rating and over; (e) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; (f) size 1600 x 21 and over of 36-ply rating and over; (g) all tubeless tire sizes 7-17.5, 7-21, 7-22.5, 8-16, 8-17.5, and 8-21 in 6-ply rating and over; (h) tubeless tire size 8-22.5 in 8-ply rating and over; (i) all tubeless tire sizes 10-22 and 10-22.5 in 10-ply rating and over; and (j) all tubeless tire sizes 12-21, 13-21, and 14-21 in 12-ply rating and over. (Specify type of tire tread design, tire size and ply.) <sup>2,3</sup>	No.	RUBR 10	100	RO
744340	Power-driven metalworking machine tools (non-portable), and parts: Parts, n. e. c., specially fabricated for metalworking machine tools included on the Positive List under Schedule B Nos. 740005 through 744319 for which validated license is required to both R and O country destinations. (Specify type and model of machine tool for which parts are fabricated.) (1) <sup>1</sup>		TOOL 1	500	RO
744340	Parts, n. e. c., specially fabricated for metalworking machine tools included on the Positive List under Schedule B Nos. 743910, 744100, and 744319 for which validated license is required to R country destinations only. (Specify type and model of machine tools for which parts are fabricated.) (2) <sup>1</sup>		TOOL 1	500	R
801100	Toluene or toluol (all grades) <sup>1</sup>	Lb.	COTA	100	R

<sup>1</sup> The GLV dollar-value limit is increased.

<sup>2</sup> The letter "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IC/DV procedure (see § 373.2 of this subchapter).

<sup>3</sup> The commodity coverage is increased, effective Nov. 8, 1956.

<sup>4</sup> The added commodity may be exported under the Foreign Distribution Licensing procedure (see Part 378 of this subchapter); and, effective Dec. 17, 1956, is subject to the IC/DV procedure (see § 373.2 of this subchapter).

<sup>5</sup> This amendment was published in Current Export Bulletin No. 773, dated November 1, 1956.

This part of the amendment shall become effective as of November 1, 1956, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 2 above which were on dock for lading, on lighter, laden aboard and exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., November 8, 1956, may be exported under the previous general license provisions up to and including December 3, 1956. Any such shipment not laden aboard the exporting carrier on or before December 3, 1956, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,  
Director,  
Bureau of Foreign Commerce.

[F. R. Doc. 56-9134; Filed, Nov. 7, 1956;  
8:54 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 26 to Revision of May 10, 1949]

#### PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

##### PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the Regulations of the Civil Aeronautics Administration as follows:

Section 550.4 (c) (1) is hereby amended to read as follows:

§ 550.4 Project costs. \* \* \*

(c) United States share of project costs. \* \* \*

(1) Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways. The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

Arizona	61.00
California	54.17
Colorado	53.28
Idaho	55.71
Montana	53.31
Nevada	62.50
New Mexico	56.43
Oregon	55.96
South Dakota	52.95
Utah	62.29
Washington	51.72
Wyoming	57.19

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable projects costs other than costs of installing high intensity runway lighting on runways designated as instrument landing runways.

(Secs. 1-15, 60 Stat. 170-178, as amended; 49 U. S. C. 1101-1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

JAMES T. PYLE,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 56-9074; Filed, Nov. 7, 1956; 8:45 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

#### PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

#### PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

##### FORMS FOR REGISTRATION STATEMENTS

On August 2, 1956, the Securities and Exchange Commission invited comments and suggestions on a proposed revision of Form S-4 (§ 239.14) under the Securities Act of 1933. This form is used for registration under that Act of securities of closed-end management investment companies which are registered under the Investment Company Act of 1940 on Form N-8B-1 (§ 274.11). The Commission has considered all of the comments and suggestions received and has adopted the revised form with certain minor modifications.

A registration statement on Form S-4 consists largely of certain of the information and documents which would be required in a registration statement under the Investment Company Act of 1940, if such a statement were currently being filed. Registrants on this form are thus permitted to base their registration statements under the 1933 Act in large part upon the information and documents filed with the Commission in the original registration statement under the 1940 Act and subsequent reports filed thereunder. This is supplemented by information and documents required for registration under the 1933 Act which

have not been previously furnished under the 1940 Act.

Form S-4 has been revised at this time to bring it into line with the revised Form N-8B-1.

The Commission has also amended Instruction 1 to Item 12 (a) of Form N-8B-1 (§ 274.11) and Instruction 1 to Item 5 (a) of Form N-30A-1 (§ 274.101) so that, in computing the ratios called for by these items, the average value of securities for which market quotations are not available may be computed at quarterly intervals, instead of monthly as required in the case of securities for which such quotations are available. The text of the amended instruction reads as follows:

**Instructions 1.** The average value of total net assets shall be computed upon the basis of the value of total net assets as of the end of each month, except that the average value of securities for which market quotations are not available may be based upon the value of such securities as of the end of the preceding quarter.

The Commission finds that such amendment operates to relieve a previously existing restriction and that notice and

procedure pursuant to the Administrative Procedure Act are not necessary.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19 (a) thereof, and the Investment Company Act of 1940, particularly sections 8 and 38 thereof, and shall become effective November 29, 1956.

(Sec. 19, 48 Stat. 85 as amended; sec. 38, 54 Stat. 841; 15 U. S. C. 77s, 80a-37)

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

OCTOBER 29, 1956.

#### Form S-4

#### REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

(Exact name of registrant as specified in charter)

(Address of principal executive offices)

(Name and address of agent for service)

Approximate date of commencement of proposed sale to the public

#### CALCULATION OF REGISTRATION FEE

Title of securities being registered	Amount being registered	Proceed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee

#### GENERAL INSTRUCTIONS

**A. Rule as to Use of Form S-4.** Form S-4 shall be used for registration under the Securities Act of 1933 of securities of all closed-end management investment companies registered under the Investment Company Act of 1940 on Form N-8B-1.

**B. Application of General Rules and Regulations.** Attention is directed to the General Rules and Regulations under the Act, particularly those comprising Regulation C. That regulation contains general requirements regarding the preparation and filing of the registration statement.

**C. Documents Comprising Registration Statement.** The registration statement shall consist of the facing sheet of the form, the prospectus containing the information specified in Part I, the information called for by Part II, the undertaking to file reports, the required signatures, consents of experts, financial statements and exhibits and any other prospectus, information, undertaking or documents which are required or which the registrant may file as a part of the registration statement.

**D. Form and Content of Prospectus.** (a) The purpose of the prospectus is to inform investors. Hence, the information set forth in the prospectus should be presented in clear, concise, understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language. The prospectus shall contain the information called for by all of the items of Part I of the form, except that no reference need be made to inapplicable items, and negative answers to any item may be omitted.

(b) Unless clearly indicated otherwise, information set forth in any part of the prospectus need not be duplicated elsewhere in the prospectus. Where it is deemed necessary or desirable to call attention to such information in more than one part of the prospectus, this may be accomplished by ap-

propriate cross reference. In lieu of restating information in the form of notes to the financial statements, references should be made to other parts of the prospectus where such information is set forth.

**E. Cross Reference Sheet.** The cross reference sheet required by Rule 404 (c) shall show the location in the prospectus of the information called for by the items of Part I of this form and by the items of Form N-8B-1 enumerated in Item 5 of this form.

**F. Preparation of Part II.** Part II of the registration statement shall contain the numbers and captions of the items in Part II of the form, but the text of the items may be omitted provided the answers are so prepared as to indicate to the reader the coverage of the items without the necessity of referring to the text of the items or the instructions thereto. If the information required by any item of Part II is completely disclosed in the prospectus, reference may be made to the specific page or caption of the prospectus which contains such information.

#### PART I. INFORMATION REQUIRED IN PROSPECTUS

**Item 1. Distribution Spread.** The information called for by the following table shall be given, in substantially the tabular form indicated, on the outside front cover page of the prospectus as to all securities being registered which are to be offered for cash (estimate, if necessary).

	Price to public	Underwriting discounts and commissions	Proceeds to registrant or other persons
Per unit			
Total			

**Instructions. 1.** The term "commissions" has the meaning given in paragraph (17) of

Schedule A of the Act. Only commissions paid by the registrant or selling security holders in cash are to be included in the table. Commissions paid by other persons, and other considerations to the underwriters, shall be set forth following the table with a reference thereto in the second column of the table. Any finder's fees or similar payments shall be appropriately disclosed.

2. If it is impracticable to state the price to the public, the method by which it is to be determined shall be explained. In addition, if the securities are to be offered at the market, or if the offering price is to be determined by a formula related to market prices, indicate the market involved and the market price as of the latest practicable date.

3. If any of the securities being registered are to be offered for the account of security holders, the name of each holder, the amount held by him and the amount offered for his account should be stated either on the first page of the prospectus or elsewhere in the prospectus with an appropriate cross-reference on the first page.

**Item 2. Plan of Distribution.** (a) If the securities being registered are to be offered through underwriters, give the names of the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having a material relationship to the registrant and state the nature of the relationship. State briefly the nature of the underwriters' obligation to take the securities.

**Instructions.** All that is required as to the nature of the underwriters' obligation is whether the underwriters are or will be committed to take and to pay for all of the securities if any are taken, or whether it is merely an agency or "best efforts" arrangement under which the underwriters are required to take and pay for only such securities as they may sell to the public. Conditions precedent to the underwriters' taking the securities, including "market outs" need not be described except in the case of an agency or "best efforts" arrangements.

(b) State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other consideration to be received by any dealer in connection with the sale of the securities.

**Instruction.** If any dealers are to act in the capacity of sub-underwriters and are to be allowed or paid any additional discounts or commissions for acting in such capacity, a general statement to that effect will suffice without giving the additional amounts to be so paid.

(c) Outline briefly the plan of distribution of any securities being registered which are to be offered otherwise than through underwriters.

**Item 3. Use of Proceeds to Registrant.** State the principal purposes for which the net proceeds to the registrant from the securities to be offered are intended to be used, and the approximate amount intended to be used for each such purpose.

**Instructions.** 1. Details of proposed expenditures are not to be given. If any substantial portion of the proceeds has not been allocated for particular purposes, a statement to that effect shall be made together with a statement of the amount of proceeds not so allocated.

2. If any material part of the proceeds is to be used to discharge a loan, the item is to be answered as to the use of the proceeds of the loan if the loan was made within one year; otherwise, it will suffice to state that the proceeds are to be used to discharge the indebtedness created by the loan.

3. If any material amount of the proceeds is to be used to acquire assets, otherwise than in the ordinary course of business, briefly describe the assets and give the names of the persons from whom they are to be

acquired. State the cost of the assets to the registrant and the principle followed in determining such cost.

**Item 4. Sales Otherwise than for Cash.** If any of the securities being registered are to be offered otherwise than for cash, state briefly the general purposes of the distribution, the basis upon which the securities are to be offered, the amount of compensation and other expenses of distribution, and by whom they are to be borne.

**Instruction.** If the distribution is to be made pursuant to a plan of acquisition, reorganization, readjustment or succession, describe briefly the general effect of the plan and state when it became or is to become operative. As to any material amount of assets to be acquired under the plan, furnish information corresponding to that required by Instruction 3 to Item 3.

**Item 5. Information Required by Items of Form N-8B-1.** The prospectus shall contain the information which would be required by the following items of Form N-8B-1 if a registration statement on that form were currently being filed:

- Items 1, 2, 3, 4, 5, 8 and 9;
- Item 10, as of a date within 90 days;
- Item 11;
- Item 12, but see Item 6. (d) (2) below;
- Item 13 as to persons controlling the registrant;
- Item 14, 16, 17, 18, 21 (a), 22 and 25; -
- Items 26, 27 or 28 as to securities being registered.

**Instruction.** Subject to Rule 407, the information called for by the foregoing items of Form N-8B-1 shall be given as of the effective date of the registration statement on this form.

**Item 6. Financial Statements.** The prospectus shall contain the following financial statements:

(a) The statements which would be required by Form N-8B-1 if a registration statement on that form were currently being filed.

(b) If any balance sheet or statement of assets and liabilities filed pursuant to (a) is not as of a date within 90 days prior to the date of filing the registration statement on this form, there shall also be included in the prospectus a corresponding balance sheet or statement of assets and liabilities as of a date within 90 days prior to the date of filing and the related statements prescribed by Article 6 of Regulation S-X from the close of the latest fiscal year for which such statements are included pursuant to (a) up to the date of the balance sheet or statement of assets and liabilities required by this paragraph. The statements required by this paragraph need not be certified, but if they are certified, the balance sheet or statement of assets and liabilities as of the end of the last fiscal year, may be omitted.

(c) Notwithstanding paragraphs (a) and (b) above, the following may be omitted from the prospectus:

- (1) The statements of any subsidiary which is not a majority-owned subsidiary;
- (2) All schedules in support of the most recent balance sheet or statement of assets and liabilities filed except the following: Schedule I; columns A, E, F and G of Schedule II; and columns A, B, C and D of Schedule III, omitting the information called for by paragraph (b) of footnote 1 to column A;
- (3) The historical financial information called for by Part E of the Instructions as to Financial Statements in Form N-8B-1;

(d) If the registrant has only one class of outstanding capital securities, then it may, at its option, furnish all financial statements specified in (a) and (b) above in Part II of the registration statement and include only the following statements in the prospectus:

- (1) A Statement of Assets and Liabilities in which the details of Schedules I, II, and III prescribed by (b) and (c) above may be

substituted for the summaries of these items as prescribed by Rule 6-03 of Regulation S-X. If this option is elected, the statement required by Rule 6-09 may be omitted from the prospectus.

(2) An Income Statement for the latest fiscal year in the form specified by Rule 6-04 of Regulation S-X, including, on the same page, the items specified by caption 5 of Rule 6-05 and caption 2 of Rule 6-06. The information required by Item 12 (a) of Form N-8B-1 may be furnished as a part of this statement.

(3) Statement of Changes in Net Assets for the three full fiscal years prior to the date of filing (or for the life of the registrant, if less) as prescribed by Rule 6-08.

Except that the statement prescribed by (2) above is required for only one fiscal year and an interim period, if any, to within 90 days of filing, the instructions as to dates and certification prescribed in (a) and (b) above shall be applicable to the optional statements permitted by this paragraph (d).

## PART II. INFORMATION NOT REQUIRED IN PROSPECTUS

**Item 7. Marketing Arrangements.** Briefly describe any arrangement known to the registrant or to any person named in answer to Item 2, or to any person specified in Item 14 (a) or (b) of Form N-8B-1, made for any of the following purposes:

(a) To limit or restrict the sale of other securities of the same class as those to be offered for the period of distribution.

(b) To stabilize the market for any of the securities to be offered.

(c) For withholding commissions, or otherwise to hold each underwriter or dealer responsible for the distribution of his participation.

**Instruction.** If the answer to this item is contained in an exhibit, the item may be answered by cross-reference to the relevant paragraphs of the exhibit.

**Item 8. Other Expenses of Issuance and Distribution.** Furnish a reasonably itemized statement of all expenses in connection with the issuance and distribution of the securities being registered, other than underwriting discounts and commissions. If any of the securities being registered are to be offered for the account of security holders, indicate the portion of such expenses to be borne by such security holders.

**Instruction.** Insofar as practicable, registration fees, Federal taxes, State taxes and fees, trustees' and transfer agents' fees, cost of printing and engraving, and legal, accounting and engineering fees shall be separately itemized. The information may be given as subject to future contingencies. If the amounts of any items are not known, estimates designated as such shall be given.

**Item 9. Indemnification of Directors and Officers.** State the general effect of any charter provision, by law, contract, arrangement or statute under which any director or officer of the registrant is insured or indemnified in any manner against any liability which he may incur in his capacity as such.

**Item 10. Financial Statements and Exhibits.** List all financial statements and exhibits filed as a part of the registration statement.

(a) Financial statements, indicating those included in the prospectus.

(b) Exhibits.

## UNDERTAKINGS

A. The following undertaking shall be included in every registration statement:

"Subject to the terms and conditions of Section 15 (d) of the Securities Exchange Act of 1934, the undersigned registrant hereby undertakes to file with the Securities and Exchange Commission such supplementary and periodic information, documents and reports as may be prescribed by any rule

or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in that section."

B. The following undertaking, with appropriate modifications to suit the particular case, shall be included in the registration statement if the securities being registered are to be offered to existing security holders pursuant to warrants or rights and any securities not taken by security holders are to be reoffered to the public:

"The undersigned registrant hereby undertakes to supplement the prospectus, after the expiration of the subscription period, to set forth the results of the subscription offer, the transactions by the underwriters during the subscription period, the amount of unsubscribed securities to be purchased by the underwriters and the terms of any subsequent reoffering thereof. If any public offering by the underwriters is to be made on terms differing from those set forth on the cover page of the prospectus, a post-effective amendment will be filed to set forth the terms of such offering."

#### SIGNATURES

Pursuant to the requirement of the Securities Act of 1933, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of \_\_\_\_\_, and State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

(Registrant)

By \_\_\_\_\_  
(Signature and title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature) (Title) (Date)

**Instructions.** 1. The registration statement shall be signed by the registrant, its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer and by at least the majority of the board of directors or persons performing similar functions. If the registrant is a foreign person, the registration statement shall also be signed by its authorized representative in the United States.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

#### INSTRUCTIONS AS TO EXHIBITS

Subject to the rules regarding incorporation by the reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits called for by Item 10 (b).

1. Copies of all exhibits which would be required by Form N-8B-1 if a registration statement on that form were currently being filed.

2. A specimen or copy of each security being registered.

3. A copy of each underwriting contract with a principal underwriter, each syndicate agreement and each purchase, sub-underwriting or selling group agreement or letter pursuant to which the securities being registered are to be distributed or, if the terms of such documents are not determined, the proposed forms thereof.

4. An opinion of counsel as to the legality of the securities being registered, indicating whether they will when sold be legally issued, fully paid and non-assessable.

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5. All financial statements omitted from the prospectus pursuant to Item 6 (c) or (d).

[F. R. Doc. 56-9048; Filed, Nov. 7, 1956; 8:45 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54238]

#### PART 31—CUSTOMHOUSE BROKERS

By an order of the Secretary of the Treasury dated January 9, 1953 (31 CFR 14.1 to 14.5; 18 F. R. 225) the powers, functions, and duties theretofore exercised and performed by the Committee on Practice and the Attorney for the Government under Part 11 of Title 31, Code of Federal Regulations (relating to customhouse brokers) were conferred upon and assigned to the Commissioner of Customs.

In pursuance of that order, the Customs Regulations are amended by adding a new Part 31 reading as follows:

#### Sec.

- 31.1 Scope of part.
- 31.2 Licenses for customhouse brokers required.
- 31.3 Definitions.
- 31.4 Application for license; investigation and examination.
- 31.5 Issuance or denial of license.
- 31.6 Other representation by customhouse brokers.
- 31.7 Licenses for more than one customs district.
- 31.8 License, when not required.
- 31.9 Books and papers.
- 31.10 Other duties and obligations of customhouse brokers.
- 31.11 Revocation or suspension of licenses.
- 31.12 Cancellation of licenses.
- 31.13 Licenses issued under prior acts of Congress.
- 31.14 Appeal from the Secretary's decision.
- 31.15 Records of the Commissioner.

**AUTHORITY:** §§ 31.1 to 31.15 issued under R. S. 161, 251, secs. 624, 641, 46 Stat. 759, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 1641.

§ 31.1 *Scope of part.* This part sets forth regulations providing for the licensing as customhouse brokers of persons, including individuals, corporations, partnerships, and associations, desiring to transact business as customhouse brokers, the procedure for applying for licenses, and the qualifications required of the applicants. The regulations also prescribe the duties and responsibilities of customhouse brokers, the grounds for revocation or suspension of the licenses, and the procedures for such revocation or suspension.

§ 31.2 *Licenses for customhouse brokers required.* (a) No person shall transact the business of a customhouse broker unless he has first been granted a license in accordance with the provisions of section 641, Tariff Act of 1930, as amended.<sup>1</sup> A license to transact busi-

ness as a customhouse broker may be granted by the Commissioner of Customs upon application submitted therefor, in accordance with the regulations in this part.

(b) No representative of the Treasury Department shall recognize or deal with any person transacting the business of a customhouse broker, or any employee, officer, or agent thereof, unless such person is licensed as a customhouse broker in accordance with the provisions of this part.

§ 31.3 *Definitions.* When used in the regulations in this part, the following terms shall have the meanings respectively indicated:

(a) "Customhouse broker" includes any person who, acting on behalf of others, transacts customs business not limited to a kind described in § 31.8.

(b) "Treasury Department or any representative thereof" includes any division, branch, bureau, office, or unit of the Treasury Department, whether in Washington or in the field, and any officer or employee of any such division, branch, bureau, office or unit.

(c) "Commissioner" means the Commissioner of Customs.

(d) "Person" includes individuals, corporations, partnerships, and associations.

(e) "Books and papers" includes all books, accounts, records, papers, documents, and correspondence of a customhouse broker relating to his customs business.

§ 31.4 *Application for license; investigation and examination—*(a) *Application to Commissioner.* A person desiring to engage in the business of a customhouse broker shall submit to the collector of customs of the district in which the applicant intends to operate an application in duplicate, addressed to the Commissioner, stating his qualifications for a license. The application shall be under oath and executed on customs Form 3123 (individual) customs Form 3125 (partnership) customs Form 3127 (corporation) or customs Form 3129 (association) whichever is appropriate, and shall be accompanied by the fee of \$100 prescribed by § 24.12 of this chapter. If the applicant is an individual who proposes to operate under a trade or fictitious name, evidence of the applicant's authority so to conduct business must accompany his application.

granting of any license, the showing of such facts as he may deem advisable as to the qualifications of the applicant to render valuable service to importers and exporters. No such license shall be granted to any corporation, association, or partnership unless licenses as customhouse brokers have been issued to at least two of the officers of such corporation or association, or two of the members of such partnership, and such licenses are in force. Any license granted to any such corporation, association, or partnership shall be deemed revoked if for any continuous period of more than sixty days after the issuance of such license there are not at least two officers of such corporation or association or two members of such partnership who are qualified to transact business as customhouse brokers. Except as provided in subdivision (c) of this section, no person shall transact business

<sup>1</sup> (a) *Regulations for licensing.* The Secretary of the Treasury may prescribe rules and regulations governing the licensing as customhouse brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships, and may require as a condition to the

(b) *Posting application.* As soon as possible after an application has been filed, the collector of customs shall cause to be posted conspicuously in the customhouse at the headquarters port for the district and at the port where the applicant proposes to maintain his principal office the name and address of the applicant and, if the applicant is a corporation, an association, or a partnership, the names of the licensed officers or members thereof.

(c) *Examination of applicant.* The collector of customs shall notify the applicant, if an individual, to appear before a committee of examiners at a specified time and place in the customs district in which the applicant proposes to do business. The committee of examiners shall consist of not less than three nor more than five members designated as such by the Commissioner.

(d) *Purpose of examination.* The examination shall have for its purpose a determination of the applicant's knowledge of customs and related law and procedure and his fitness to render valuable service to importers and exporters. The Commissioner may from time to time furnish lists of suggestions for the guidance of committees of examiners in conducting such examinations. The examination may, at the option of the committee, be oral or written, but if oral shall be stenographically reported and transcribed, and in either case shall be transmitted forthwith to the collector of customs, with the report and recommendation of the committee of examiners.

(e) *Investigation of applicant—(1) Individual.* Upon the applicant's obtain-

ing a satisfactory grade on the examination, his application shall be referred by the collector of customs to the supervising customs agent in charge of the district for investigation, report, and recommendation.

(2) *Corporation, association, or partnership.* Each application shall be referred by the collector of customs to the supervising customs agent in charge of the district for investigation, report, and recommendation.

(3) The investigation shall seek information relevant to the question whether the application should be granted and shall cover, but need not be limited to, (i) the correctness of the statements made in the application, (ii) the business integrity of the applicant, and (iii) when the applicant is an individual (including an officer of a corporation or association or a member of a partnership) the character and reputation of the applicant.

(4) The investigating agent shall return the application with his report and recommendation to the collector of customs who requested it. The collector shall forward them to the Commissioner, accompanied by the report and recommendation of the committee of examiners, if any. If he so desires, the collector may also submit his independent recommendation.

(f) *Additional investigation or examination.* The Commissioner shall endeavor to ascertain, without undue expense or inconvenience to the applicant, all facts deemed necessary to pass upon the application, and may require additional investigation to be conducted.

claimant, or client, by word, circular, letter or by advertisement.

An appeal may be taken by any licensed customhouse broker from any order of the Secretary of the Treasury suspending or revoking a license. Such appeal shall be taken by filing, in the circuit court of appeals of the United States within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, within sixty days after the entry of such order, a written petition, praying that the order of the Secretary of the Treasury be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon the Secretary of the Treasury, or upon any officer designated by him for that purpose, and thereupon the Secretary of the Treasury shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript, such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Secretary of the Treasury shall be considered by the court unless such objection shall have been urged before the collector or chief officer of customs or unless there were reasonable grounds for failure so to do. The finding of the Secretary of the Treasury as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the Court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the collector or chief officer of customs, the court may order such additional evidence to be taken before the collector or chief officer of customs and to be adduced upon the hearing in such manner and upon

In the event, however, that the Commissioner is not satisfied by the information received, he may require the applicant (or, in the case of a corporation, association, or partnership, one or more of its officers or members) to appear in person before the Commissioner or before one or more representatives of the Commissioner, for the purpose of undergoing additional written or oral examination into the applicant's qualifications for a license.

### § 31.5 Issuance or denial of license—

(a) *Issuance if applicant qualified.* If he finds that the applicant is qualified, the Commissioner will issue a license in such standard form as he shall have prescribed. The license shall be forwarded to the appropriate collector, who shall deliver it to the licensee after making a record thereof in a roster of licensed brokers which shall be maintained in the customhouse in such manner that it will be readily accessible to the proper customs officers and employees. The license for an individual who is an officer of a corporation or association or a member of a partnership will be issued in the name of the individual licensee, and not in his capacity as officer or member of the organization with which he is connected.

(b) *Denial of license.* (1) If the applicant fails to obtain a satisfactory grade on the examination, notice of denial shall be given by the collector to the applicant.

(2) At the request of the applicant, the Commissioner may allow a further opportunity to the applicant to present information or arguments in support of

such terms and conditions as to the court may seem proper. The Secretary of the Treasury may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Secretary of the Treasury shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254, title 28 of the United States Code. The commencement of proceedings under this subsection shall, unless specifically ordered by the court, operate as a stay of the Secretary of the Treasury's order.

(c) *Prior licenses.* Licenses issued under the Act of June 10, 1910 (36 Stat. 464; U. S. C., title 19, sec. 415), or under the provisions of subdivision (a) of this section prior to the effective date of this amendment, shall continue in force and effect, subject to suspension and revocation as provided in subdivision (b) of this section.

(d) *Regulations by Secretary.* The Secretary of the Treasury shall prescribe such rules and regulations as he may deem necessary to protect importers and the revenue of the United States, and to carry out the provisions of this section, including rules and regulations requiring the keeping of books, accounts, and records by customhouse brokers, and the inspection thereof, and of their papers, documents, and correspondence by, and the furnishing by them of information relating to their business to, any duly accredited agent of the United States. (Tariff Act of 1930, sec. 641, as amended; 19 U. S. C. 1641.)

as a customhouse broker without a license granted in accordance with the provisions of this subdivision, but nothing in this section shall be construed to authorize the requiring of a license in the case of any person transacting at a customhouse business pertaining to his own importations.

(b) *Revocation or suspension.* The collector or chief officer of the customs may, at any time, for good and sufficient reasons, serve notice in writing upon any customhouse broker so licensed to show cause why said license shall not be revoked or suspended, which notice shall be in the form of a statement specifically setting forth the ground of complaint. The collector or chief officer of customs shall within ten days thereafter notify the customhouse broker in writing of a hearing to be held before him within five days upon said charges. At such hearing the customhouse broker may be represented by counsel, and all proceedings, including the proof of the charges and the answer thereto, shall be presented, with the right of cross-examination to both parties, and a stenographic record of the same shall be made and a copy thereof shall be delivered to the customhouse broker. At the conclusion of such hearing the collector or chief officer of customs shall forthwith transmit all papers and the stenographic report of the hearing, which shall constitute the record of the case, to the Secretary of the Treasury for his action. Thereupon the said Secretary of the Treasury shall have the right to revoke or suspend the license of any customhouse broker shown to be incompetent, disreputable, or who has refused to comply with the rules and regulations issued under this section, or who has, with intent to defraud, in any manner willfully and knowingly deceived, misled, or threatened any importer, exporter, claimant, or client, or prospective importer, exporter,



his application either by personal appearance or in writing, or both, in the discretion of the Commissioner.

(3) If the Commissioner determines that the application for license should be denied for any reason, notice of denial shall be given by the Commissioner to the applicant and to the collector of the district in which the applicant proposed to do business.

(c) *Grounds for denial of license.* The causes sufficient to justify denial of an application for a license shall include, but shall not be limited to, (1) any cause which would justify suspension or revocation of the license of a licensed customhouse broker under the provisions of § 31.11, (2) a failure to establish the business integrity and character of the applicant; (3) any gross misstatement of pertinent facts in the application; (4) any conduct which would be deemed grossly unfair in commercial transactions by accepted standards; (5) a bad reputation imputing to an applicant conduct of any of the foregoing types or of a criminal, dishonest, or unethical kind; (6) the minority of the applicant; or (7) a failure to establish sufficient knowledge by the applicant of customs and related law and procedures and fitness to render valuable service to importers and exporters. In the case of a corporation, association, or partnership, the application will be denied by the Commissioner unless it appears that the officers or members who are licensed customhouse brokers are to exercise responsible supervision and control of the transaction of the customs business of such corporation, association, or partnership. An individual who is unable for any reason to take the oath of allegiance and to support the Constitution of the United States shall not be licensed. An alien undergoing naturalization is ineligible to receive a license until he has received his final naturalization certificate. An officer or employee of the United States is ineligible to receive a license.

(d) *Review.* A decision of the Commissioner denying a license, upon the written request of the applicant, will be submitted to the Secretary of the Treasury for such review as the Secretary shall deem appropriate.

§ 31.6 *Other representation by customhouse brokers.* A customhouse broker requires no further license or enrollment for the representation, within the customs districts in which he is licensed, at the office of the Regional Commissioner of Internal Revenue, or at the seat of the Government, of any person for whom he has acted as customhouse broker in respect of any matters relating specifically to the importation or exportation of merchandise under customs or internal-revenue laws.

§ 31.7 *Licenses for more than one customs district.* Separate licenses shall be required if the licensee desires to transact customs business in more than one customs district. However, a licensee having a license in force in one district may on application to the Commissioner be granted a license to transact business in another district without further examination, provided it appears on investigation that the licensee is pre-

pared and qualified to render efficient service in such other district. Licenses may be granted to partnerships with two licensed members, and to corporations and associations with two licensed officers, whether or not such members or officers are licensed in the district for which the partnership, corporation, or association license is granted.

§ 31.8 *License, when not required—*  
(a) *Dealing for one's own account.* An importer or exporter transacting customs business solely on his own account and in no sense on behalf of another is not required to be licensed, nor are his authorized regular employees or officers who act only for him in the transaction of such business.

(b) *Transportation in bond by common carrier.* A common carrier transporting merchandise for another may make entry for such merchandise for transportation in bond without being licensed as a customhouse broker.

(c) *Agents employed by one or more vessels.* A resident agent employed by one or more vessels or lines of vessels is not required to be licensed as a customhouse broker in order merely to enter or clear vessels consigned to him by a principal. Proof of the agency must be filed with the collector.

(d) *Employees of licensed brokers.* An employee of a customhouse broker is not required to be licensed in order to act solely for his employer, but in order that such employee may sign customs documents on behalf of his employer the broker must file with the collector a power of attorney for that purpose. Each broker shall file with the collector at each port where the business is to be transacted an authorization specifically naming each employee who may properly act for him. A broker must promptly give notice of any change in the authority of any such employee and must exercise such supervision of his employees as will insure proper conduct on the part of the employees in the transaction of customs business. Each broker will be held strictly responsible for the acts or omissions of his employees within the scope of their employment, and for acts or omissions of such employees which, in the exercise of reasonable care and diligence, the broker should have foreseen. Every attorney in fact acting for a customhouse broker must be a resident of the United States.

§ 31.9 *Books and papers.\** (a) Each customhouse broker shall maintain correctly and in orderly itemized manner, and keep current, records of account reflecting all his financial transactions as a customhouse broker. He shall keep and maintain on file a copy of each entry made by him, and copies of all his correspondence and other papers relating to his customs business.

(b) Except as provided for in paragraph (c) of this section, each customhouse broker shall keep on customs Form 3079 (Record of Transactions of Licensed Customhouse Broker), in accordance with the instructions printed thereon, records of all customs business

transacted by him in behalf of his clients. If a transaction has been handled only in part by the broker, he need fill in only the appropriate part of his customs Form 3079. Records on customs Form 3079 shall be in addition to, and not in lieu of, the regular records of account required by paragraph (a) of this section to be kept and maintained.

(c) If the data prescribed to be recorded on customs Form 3079 are disclosed in other records regularly kept and maintained by a customhouse broker in a systematic, convenient, and readily available form which will permit an effective inspection thereof by duly accredited agents of the United States, such broker may, by notice in writing from the collector for the district, be exempted from the requirements of paragraph (b) of this section. Such notice of exemption shall be issued only if (1) a broker makes written application therefor to the collector, setting forth the facts as to the records he keeps and agreeing that if the exemption is granted he will not change his system of records or his manner of keeping and maintaining them without notification to and prior approval by the said collector and (2) the collector and the supervising customs agent for the district are satisfied that the records are and will be kept and maintained by the broker in conformity with the conditions above stated.

(d) Whenever it shall appear to the satisfaction of the collector, upon investigation by a duly accredited agent of the United States, that a broker to whom an exemption has been granted as provided for in paragraph (c) of this section is not keeping and maintaining records in conformity with the requirements of the said paragraph (c) the exemption of such broker shall be revoked by notice in writing from the collector, and such broker shall thereafter keep and maintain records on customs Form 3079 as above stated.

(e) All the books and papers required by the foregoing provisions of this section shall be kept on file for at least 5 years and maintained in such manner that they may readily be examined. Any or all such books and papers shall be made available to duly accredited agents of the United States on demand therefor within 5 years after their preparation or receipt by the broker, or within any longer period of time during which they remain in the possession of the broker. Each customhouse broker shall advise the Commissioner and the collector at the headquarters port in each district in which his license is held of each change of his business address. The broker shall also furnish such additional information regarding his activities as a customhouse broker as such agents may require.

(f) The supervising customs agent in charge of the agency district, or a customs agent designated by him, shall make such inspection of the books and papers required by this part to be kept and maintained by a customhouse broker as may be necessary to enable the supervising customs agent, the collector of customs, and other proper officials of the Treasury Department to determine whether or not the broker is complying

\* See section 641 (d) in footnote 1.

with the requirements of this section. Furthermore, the supervising customs agent, or any duly accredited agent of the United States designated by him, may at any time, for the purpose of protecting importers or the revenue of the United States, inspect such books and papers to obtain information regarding specific customs transactions.

(g) The agent making any investigation contemplated by paragraph (f) of this section shall report his findings in full to the Commissioner and the collector.

(h) The books and papers referred to in this section and pertaining to the business of the clients serviced by the broker shall be considered confidential and the broker shall not disclose their contents or any information connected therewith to any persons other than such clients and duly accredited agents of the United States except on subpoena by a court of competent jurisdiction.

§ 31.10 *Other duties and obligations of customhouse brokers.* (a) No customhouse broker shall permit his license or his name to be used by or for any unlicensed person, or by or for any broker whose license is under suspension, in the solicitation, promotion, or performance of any customs business or transaction.

(b) (1) No customhouse broker shall accept or retain employment from or with an unlicensed employer to transact customs business for others than the employer in such manner that the fees or other benefits resulting from the services rendered by the broker for others inure to the benefit of the unlicensed employer, except that a customhouse broker may compensate a freight forwarder for services rendered in obtaining brokerage business, provided that

(i) The importer shall be notified in advance by the forwarder or broker of the name of the customhouse broker selected by the forwarder for the handling of his customs transactions;

(ii) If the fees and charges for such brokerage services are to be collected by or through the forwarder, the customhouse broker shall transmit directly to the importer a true copy of his bill of charges as rendered to the forwarder;

(iii) No part of the agreement of compensation between the customhouse broker and the forwarder, nor any action taken pursuant thereto, shall forbid or prevent direct communication between the importer and the customhouse broker; and

(iv) In making such agreement and in all actions taken pursuant thereto, the customhouse broker shall be subject to all other provisions of these regulations and any amendments thereto.

(2) Where a customhouse broker is employed for the transaction of customs business by an unlicensed employer who is not the actual importer, a copy of the statement of charges made by the customhouse broker must be transmitted to the actual importer by the customhouse broker.

(c) No customhouse broker shall knowingly and directly or indirectly (1) accept employment to effect a customs transaction as associate, correspondent, officer, employee, agent, or subagent from

any person whose application for a license as a customhouse broker shall at any time have been denied for a cause involving moral turpitude, or whose license shall have been revoked for any cause, or whose license is under suspension, or who is notoriously disreputable, or (2) assist the furtherance of any customs business or transaction of such person, or (3) employ, or accept such assistance from, any such person, or (4) share fees with any such person, or (5) permit any such person directly or indirectly to participate, whether through ownership or otherwise, in the promotion, control, or direction of the business of the broker: *Provided*, That nothing herein shall be deemed to prohibit any customhouse broker from acting as a customhouse broker for any bona fide importer or exporter, notwithstanding such importer or exporter may have been denied a license as a customhouse broker or had his license revoked or suspended, or may be disreputable.

(d) No customhouse broker shall act in behalf of any person, or attempt to represent any person, in respect of any protest or appeal for reappraisal, unless he shall previously have been specifically or generally authorized to do so by such person.

(e) No customhouse broker shall knowingly use false or misleading representations to procure employment in any customs matter, nor shall he represent to a client or prospective client that he can obtain extraordinary favors from the Treasury Department or any representative thereof.

(f) No customhouse broker shall represent a client before the Treasury Department or any representative thereof in any matter to which the broker, as officer or employee, gave personal consideration, or as to the facts of which he gained knowledge, while in the Government service.

(g) No customhouse broker shall knowingly (1) assist a person who has been employed by a client in a matter pending before the Treasury Department or any representative thereof to which such person gave personal consideration or gained personal knowledge of the facts or issues thereof while in the Government service; or (2) accept assistance in any such matter from any such person, or (3) share fees in any such matter with any such person.

(h) No customhouse broker shall suggest to a client or a prospective client a plan known to be illegal for evading payment of any duty, tax, or other debt or obligation owing to the Government.

(i) Each customhouse broker who knows that a client has not complied with the law or has made any error in, or omission from, any document, affidavit, or other paper which the law requires such client to execute shall advise his client promptly of the fact of such non-compliance, error, or omission.

(j) Each customhouse broker shall exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any customs business; and no customhouse broker shall knowingly impart to a client false information relative to any such business when such false information is or might be detrimental to the interests

of the Government, the client, or any other person.

(k) No customhouse broker shall withhold information relative to any customs business from a client who is entitled to the information.

(l) Each customhouse broker shall promptly pay over to the Government when due all sums received for the payment of any duty, tax, or other debt or obligation owing to the Government, and shall promptly account to clients for funds received for them from the Government, or received from a client in excess of the governmental or other charges properly payable in respect of the client's customs business.

(m) No customhouse broker shall endorse or accept without authority of his client any Government draft, check, or warrant drawn to the order of such client.

(n) No customhouse broker who has recommended to his client an attorney shall demand of, or accept from, such attorney any fee or remuneration by reason of such recommendation without the knowledge and consent of the client.

(o) No customhouse broker shall file or procure or assist in the filing of any claim, or of any document, affidavit, or other paper, known by such broker to be false, nor shall knowingly give, or solicit or procure the giving of, any false or misleading information or testimony in any matter pending before the Treasury Department or any representative thereof.

(p) Each customhouse broker shall exercise due diligence in answering correspondence, in making financial settlements, and in preparing, or assisting in the preparation and filing of, documents relating to any matter handled by him as a customhouse broker.

(q) No customhouse broker shall procure, or attempt to procure, directly or indirectly, information from Government records or other Government sources of any kind to which access is not granted by proper authority.

(r) No customhouse broker shall attempt to influence the conduct of any representative of the Treasury Department in any matter pending before the Treasury Department or any representative thereof by the use of a threat, false accusation, duress, or the offer of any special inducement or promise of advantage, or by bestowing any gift or favor or other thing of value.

(s) No customhouse broker shall refuse access to, conceal, remove, or destroy the whole or any part of any book, paper, or other record, relating to his transactions as a customhouse broker, which is being sought, or which the broker has reasonable grounds to believe may be sought, by the Treasury Department or any representative thereof, or shall otherwise interfere, or attempt to interfere, with any proper and lawful efforts by such Department or representative to procure such information.

(t) Every licensed officer or member of a corporation, association, or partnership, which is licensed as a customhouse broker, shall exercise responsible supervision and control over the transaction of the customhouse business of such corporation, association, or partnership.

(u) A customhouse broker who is authorized by State law to transact business under a fictitious or trade name, and who proposes to so operate, shall submit evidence of his authority so to do and receive the approval of the Commissioner before he uses such name, and, when signing customs documents, shall affix his own name in conjunction with each signature of the fictitious or trade name.

§ 31.11 *Revocation or suspension of licenses.* (a) Failure or refusal to comply with the duties, obligations, or requirements specified in § 31.10 or elsewhere in this part relating to customhouse brokers may be deemed grounds for suspension or revocation of the license of a customhouse broker, but such duties, obligations, or requirements are not to be considered as exclusive, as conduct not within the purview of any specification of this part may be deemed to be conduct warranting the suspension or revocation of a license under the authority of section 641 (b) Tariff Act of 1930, as amended.\*

(b) A proceeding for the revocation or suspension of a customhouse broker's license shall be governed by the following rules, subject to the Tariff Act of 1930, as amended, and the Administrative Procedure Act (5 U. S. C. 1001-1011)

(1) *Inability of collector to act.* In the case of sickness or necessary absence of the collector which prevents him from acting as provided for in this section, the assistant collector shall be deemed the chief officer of the customs referred to in amended section 641 (b) Tariff Act of 1930, and shall perform the duties of the collector prescribed in this section.

(2) *Investigation.* Every complaint or charge against any customhouse broker filed with a collector or other customs officer shall forthwith be forwarded for investigation to the supervising customs agent in charge of the district in which the broker is located. The supervising customs agent shall make his report and transmit it, with recommendation, to the collector of the appropriate district for such action as may be necessary, and shall also transmit a copy thereof to the Commissioner.

(3) *Abatement of charges.* If the collector determines that there is not sufficient evidence to prefer charges, he shall report all the facts to the Commissioner.

(4) *Institution of proceedings.* If the collector determines that there is sufficient evidence to prefer charges, he shall institute and conduct, subject to the applicable provisions of this section, a proceeding pursuant to amended section 641 (b), Tariff Act of 1930.

(5) *Drafting of notice.* The collector may request the Commissioner to assist in the preparation of the statement of charges to be served upon the accused broker. If the statement is prepared in the field, it shall be submitted to the Commissioner for review before being made the basis of action.

(6) *Opportunity to avoid proceeding.* The collector, before a proceeding is instituted, shall give to the accused

broker a preliminary notice in writing that:

(i) Transmits a copy of the proposed statement of charges, or a specification of the substance thereof;

(ii) Cites sections 5 (b) and 9 (b) of the Administrative Procedure Act (5 U. S. C. 1004 (b) and 1008 (b)).\*

(iii) Calls upon the accused broker to show cause, if he so desires, why the proceeding should not be instituted;

(iv) Informs the accused broker that the notice affords him opportunity to make submissions and demonstrations of the character contemplated by the cited statutory provisions;

(v) Invites any negotiation that the accused broker deems it desirable to enter into; and

(vi) Specifies a reasonable time for response to that notice: *Provided*, That, if prior to service of the statement of charges, the collector determines that the case is one where such preliminary notice would be improper and unnecessary, he shall incorporate his findings and his reasons therefor in the statement of charges, and the statement of charges shall be served without first giving such preliminary notice.

(7) *Service of statement of charges.* Notice of the charges, signed by the collector, shall be served upon the accused customhouse broker in the following manner:

(i) If an individual:

(a) By delivery to the accused broker personally, or

(b) By registered mail, with demand for a return card signed solely by the addressee.

(ii) If a corporation, association, or partnership:

(a) By delivery to any officer of such corporation or association, or member of such partnership, or

(b) By registered mail addressed to any such officer or member, with demand for a return card signed solely by the addressee: *Provided*, That, if a customhouse broker shall have signed and filed with the Commissioner his written consent to be served in some other manner, it shall be sufficient if service is made in that manner. Where the service is by registered mail, the receipt of the return card duly signed shall be satisfactory evidence of service.

(8) *Content of statement of charges.* The notice of charges shall state the place where and time within which the accused may file in duplicate his verified answer, and shall contain or be accompanied by a statement of charges, which statement shall be signed by the collector, giving a plain and concise, but not necessarily detailed, description of the facts which it is claimed constitute grounds for suspension or revocation of license. A statement of charges which fairly informs the accused of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose might have been accomplished or different intents with which acts might have been done so as to constitute grounds for suspension or revocation of license may be alleged in the statement of charges in a single count in the alternative. If, in order to prepare his defense, the ac-

cused desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the collector asking that the statement or charges be made more specific, setting forth in such motion in what specific respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is needed. If in the opinion of the collector such information is reasonably necessary to enable the accused to prepare his defense, the collector shall furnish the accused with an amended statement of charges giving the needed information.

(9) *Service of other papers.* After notice of the charges has been duly served, all other papers in the case, including notice of the time and place of the hearing, shall be served by:

(i) Delivering the same to the accused personally if an individual; or if a corporation, association, or partnership, to any officer or member thereof; or

(ii) Leaving them at the office of the accused, or of such officer or member, with his clerk or with a person in charge thereof, or

(iii) Depositing them in a United States post office or post-office box, enclosed in a sealed envelope, plainly addressed to such accused, or to such member or officer, at the address under which the accused is licensed or at the last known address of the accused, or such member or officer.

(iv) When the accused, whether an individual, corporation, association, or partnership, is represented by an attorney, by service upon the attorney in the manner provided for in subdivision (i) (ii) or (iii) of this subparagraph for service on the accused personally.

(10) *Copies filed with Commissioner.* Copies of all papers in the case, including the notice of charges, and each notice of the time and place of any hearing, shall be sent promptly by the collector to the Commissioner.

(11) *Hearing.* The hearing shall be before the collector or other chief officer of the customs, who shall provide a competent reporter to make the record of the hearing. If a competent reporter is not available to the collector, he shall request the Commissioner to furnish one for the hearing or to permit the use of available appropriated funds to hire the services of a reporter. The Commissioner shall designate an officer to represent the Government at the hearing and to participate in the presentation of testimony. The collector may designate a member of his staff to assist in the proceedings. The accused or his attorney shall have the right to examine all exhibits introduced at the hearing. Pursuant to order of the collector giving due notice to the parties, depositions upon oral or written interrogatories may be taken by either party for use at the hearing before any officer duly authorized to administer oaths for general purposes or in customs matters.

(12) *Submittals.* After conclusion of the reception of the evidence, the collec-

\* See the first paragraph of section 641 (b) in footnote 1.

tor shall by rule afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor as contemplated by section 8 (b) of the Administrative Procedure Act (5 U. S. C. 1007 (b)).

(13) *Decision by the collector.* After compliance with subparagraph (12) of this paragraph the collector shall make his recommended decision in the case and certify the entire record to the Secretary of the Treasury. The collector shall recommend to the Secretary the dismissal of the charges when in his opinion the charges have not been proved. The collector shall recommend to the Secretary that the license be suspended or revoked if in the opinion of the collector such action is warranted by the record. The collector's decision shall conform with the requirements of section 8 of the Administrative Procedure Act (5 U. S. C. 1007).

(14) *Decision by Secretary of the Treasury.* Upon receipt of the record, the Secretary of the Treasury will afford the parties a reasonable opportunity to make such additional submittals as may then be required by section 8 (b) of the Administrative Procedure Act (5 U. S. C. 1007 (b)) and by the circumstances of the case. Thereafter the Secretary will make his decision.

(15) *Dismissal subject to new proceedings.* If the evidence at the hearing indicates that a proper disposition of the case cannot be made on the basis of the charges preferred, the Secretary may instruct the collector to file appropriate charges as a basis for new proceedings.

(16) *Immaterial mistakes.* The deciding officer shall disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place, or the ownership of any property, a failure to prove immaterial allegations in the description of the accused's conduct, or any other immaterial mistake in the statement of charges.

(17) *Proof, partial.* If the deciding officer finds that a part of the charges in the statement of charges is not sufficiently proved but that the residue thereof is so proved, he may base his decision on any facts established by the evidence which are grounds for suspension or revocation of the license and which are substantially charged by the said residue of the statement of charges.

(18) *Default.* No decision by default shall be made against an accused broker except upon evidence submitted on behalf of the Government.

(19) *Notice of suspension or revocation.* If the Secretary of the Treasury in the exercise of his discretion issues his order of suspension or revocation of the license of the accused, notice thereof shall be given by the Commissioner to the heads of all interested bureaus, offices, and divisions of the Treasury Department and to other interested departments and agencies of the Government in such manner as the Commissioner may determine. Except as provided for on appeal pursuant to section 641 (b) Tariff Act of 1930, as amended, such person will not thereafter be recognized as a customhouse broker during

the period of suspension or revocation of his license.

(20) *Reopening.* Any customhouse broker who has been suspended or whose license has been revoked may make written application to the collector to have the order of suspension or revocation set aside or modified upon the ground (i) of newly discovered evidence, or (ii) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every such application shall be filed with the collector in duplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the collector after due consideration of the application shall deem it sufficiently meritorious to warrant a hearing, he shall so recommend to the Secretary, who may order the taking of additional testimony before the collector. The collector shall set a time and place for such hearing, and give due notice thereof to the applicant. The procedures governing the hearing and decision will be the same as those governing the original proceeding.

(21) *Notice of reinstatement.* In the event that the Secretary shall issue an order vacating or modifying the prior order of suspension or revocation, notice thereof shall be given to all those to whom notice of the original order of suspension or revocation was sent.

(22) *Saving provision.* Any proceeding for revocation or suspension of a license instituted prior to the effective date of this section shall be governed by the provisions of 31 CFR 11.10 in force at the time the proceeding was instituted: *Provided, however,* That if in the course of the proceeding there is taken any action that is authorized by the provisions of 31 CFR 11.10 governing the proceedings, but is not authorized by this section or any intervening amendment of 31 CFR 11.10, said action shall not constitute grounds for disturbing any order thereafter made in the proceeding, unless (i) it is shown that the action was in derogation of substantive rights and not merely procedural rights; and (ii) upon occurrence of the action the respondent made timely objection supported by his reasons and the objection was overruled: *Provided further* That adherence may be had to this section pursuant to stipulation of the parties.

§ 31.12. *Cancellation of licenses.* (a) Any corporation, association, or partnership which is licensed as a customhouse broker shall immediately notify the collector of each district in which it is licensed to transact business in the event it ceases to have at least two officers or members who are licensed individually as customhouse brokers and who exercise responsible supervision and control of the transaction of the customs business of the licensed organization. Collectors shall report to the Commissioner all cases wherein the required number of officers or members of any licensed corporation, association, or partnership have ceased to be qualified as customhouse brokers and the deficiency has continued for

more than 60 days. The Commissioner, in such cases, will notify the corporation, association, or partnership that its license has been revoked in accordance with the requirement of section 641 (a), Tariff Act of 1930, as amended.<sup>4</sup> A copy of such notice shall be sent by the Commissioner to the collector.

(b) A customhouse broker's license may be canceled upon written application to the Commissioner and surrender of the license certificate, but before granting the request, inquiry shall be made by the Commissioner to ascertain whether it has been made in order to evade proceedings for revocation or suspension of the license, in which event the request shall be denied, unless the Secretary of the Treasury shall otherwise order.

§ 31.13. *Licenses issued under prior acts of Congress.* Licenses issued under prior acts of Congress shall continue in force and effect in accordance with the provisions of section 641 (c), Tariff Act of 1930, as amended.<sup>5</sup>

§ 31.14. *Appeal from the Secretary's decision.* An appeal from any order of the Secretary of the Treasury suspending or revoking a license may be taken by any customhouse broker in accordance with the provisions of section 641 (b), Tariff Act of 1930, as amended.<sup>6</sup>

§ 31.15. *Records of the Commissioner—*  
(a) *Maintenance.* The Commissioner will keep such rosters and other records as may be necessary to perform his functions under this part.

(b) *Availability.* (1) The Commissioner, on request, will furnish information to any person as to whether any specified person is a customhouse broker.

(2) There are available to public inspection at the office of the Commissioner:

(i) The roster of all persons licensed as customhouse brokers pursuant to amended section 641, Tariff Act of 1930.

(ii) The final opinion or order in the adjudication of any case in which revocation of any license was sought, provided the licensee (or former licensee) expressly consents to publication.

(3) Matters of official record pertaining to the licensing of customhouse brokers, to persons properly and directly concerned.

(4) The official records pertaining to the revocation (or the proposed revocation) of any license, and to the investigation of any applicant therefor, constitute confidential information, except as provided for in paragraph (b) (2) and (3) of this section. These records are held confidential for these good causes:

(i) Publication is capable of injuring a licensee or former licensee without furthering the public interest.

(ii) Much of the information is elicited without the aid of the subpoena power on the assurance that the sources will be protected.

Treasury Department Circular 559 (1 F. R. 249) and supplements (6 F. R. 5428,

<sup>4</sup> See the third sentence of section 641 (a) in footnote 1.

<sup>5</sup> See section 641 (c) in footnote 1.

<sup>6</sup> See the second paragraph of section 641 (b) in footnote 1.

13 F. R. 3937) and §§ 11.1 to 11.14, inclusive, Title 31, Code of Federal Regulations, are superseded, except as indicated in § 31.11 (b) (22) above, by the foregoing.

A notice of proposed rule making was published in the FEDERAL REGISTER of September 13, 1955 (20 F. R. 6707). After full consideration of the data and views submitted, the above regulations have been adopted. These regulations shall become effective upon the expiration of 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,  
Commissioner of Customs.

Approved: October 29, 1956.

DAVID W KENDALL,  
Acting Secretary of the Treasury.

[F. R. Doc. 56-9136; Filed, Nov. 7, 1956;  
8:55 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Departmental Reg. 108.303]

#### PART 51—PASSPORTS

#### INVALIDATION OF CERTAIN PASSPORTS OF THE UNITED STATES FOR TRAVEL TO OR IN EGYPT, ISRAEL, JORDAN, AND SYRIA

Pursuant to the authority vested in me by sections 124 and 126 of Executive Order No. 7856, issued on March 31, 1938 (3 F. R. 681, 687; 22 CFR 51.75 and 51.77) under authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887, 22 U. S. C. 211a) all outstanding passports of the United States are hereby declared invalid for travel to or in Egypt, Israel, Jordan, and Syria, excepting only those passports the holders of which are presently within Egypt, Israel, Jordan, and Syria and the passports of officers and employees of the United States and members of their households en route to or stationed in one of these countries. The passports of persons, other than officers and employees of the United States, who depart from Egypt, Israel, Jordan, or Syria shall become invalid for further travel to or in Egypt, Israel, Jordan, and Syria when the holders thereof enter any country other than Aden, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Muscat and Oman, Saudi Arabia, Syria, Yemen. Passports hereby invalidated for travel to or in Egypt, Israel, Jordan, and Syria shall remain invalid for such travel unless specifically endorsed under authority of the Department of State as being valid for such travel or until this order is revoked.

(Sec. 1, 44 Stat. 887; 22 U. S. C. 211a)

Dated: November 2, 1956.

For the Acting Secretary of State.

LOY W HENDERSON,  
Deputy Under Secretary  
for Administration.

[F. R. Doc. 56-9163; Filed, Nov. 6, 1956;  
4:18 p. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Subtitle A—Office of the Secretary of the Treasury

#### PART 11—CUSTOMHOUSE BROKERS

##### SUPERSEDURE OF PART

EDITORIAL NOTE: Subtitle A—Office of the Secretary of the Treasury is amended as follows: Sections 11.1 through 11.14 which constitute Part 11, Customhouse Brokers, are superseded by Title 19, Chapter I, Part 31, *supra*.

## TITLE 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### Subchapter C—Military Personnel

#### PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

- |        |   |
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Sec.  
56.10 Implementation.  
56.11 Effective date.

AUTHORITY: §§ 56.1 to 56.11 issued under 70 Stat. 250.

#### § 56.1 General information.

§ 56.1-1 Purpose. The purpose of this part is to prescribe policy for administering the Dependents' Medical Care Act.

§ 56.1-2 Scope. This part is applicable to the uniformed services.

§ 56.1-3 Definition of terms used in this part. (a) "Uniformed services" means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey, and the Commissioned Corps of the Public Health Service.

(b) "Member of a uniformed service" means a person appointed, enlisted, inducted or called, ordered or conscripted in a uniformed service who is serving on active duty or active duty for training pursuant to a call or order that does not specify a period of thirty days or less.

(c) "Retired member of a uniformed service" means a member or former member of a uniformed service who is entitled to retired, retirement, or retainer or equivalent pay as a result of service in a uniformed service, other than a member or former member entitled to retired or retirement pay under Title III of the Army, and Air Force Vitalization and Retirement Equalization Act of 1948 who has served less than eight years on full time duty in active military service other than active duty for training.

(d) "Dependent" means any person who bears to a member or retired member of a uniformed service, or to a person who died while a member or retired member of a uniformed service, any of the following relationships:

- (1) The lawful wife;
- (2) The unremarried widow;
- (3) The lawful husband, if he is in fact dependent on the member or retired member for over one-half of his support;
- (4) The unremarried widower, if he was in fact dependent upon the member or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity;

(5) An unmarried legitimate child (including an adopted child or step-child), if such child has not passed his twenty-first birthday.

(6) A parent or parent-in-law, if the said parent or parent-in-law is, or was at the time of the member's or retired member's death, in fact dependent on the said member or retired member for over one-half of his support and is, or was at the time of the member's or retired member's death, actually residing in the household of the said member or retired member; or

(7) An unmarried legitimate child (including an adopted child or step-child) who (1) has passed his twenty-first birthday, if the child is incapable of self-support because of a mental or phys-



ical incapacity that existed prior to his reaching the age of twenty-one and is, or was at the time of the member's or retired member's death, in fact dependent on him for over one-half of his support, or (ii) has not passed his twenty-third birthday and is enrolled in a full-time course of study in an institution of higher learning as approved by the Secretary of Defense or Secretary of Health, Education and Welfare and is, or was at the time of the member's or the retired member's death, in fact dependent on him for over one-half of his support.

(e) "Dependents eligible for civilian medical care" means the lawful wife or the dependent lawful husband (spouses) and children who are dependents of members of the uniformed services.

(f) "Secretary of a uniformed service" means the Secretary of the Army, Navy (for the Navy and Marine Corps) or Air Force, or for the other uniformed services (Coast Guard, Public Health Service, Coast and Geodetic Survey) the Secretary of Health, Education and Welfare. The latter may delegate his duties and responsibilities in relation to dependent medical care to The Surgeon General of the Public Health Service.

(g) "Continental United States" means the 48 States and the District of Columbia.

(h) "Executive agent" means the party who acts for the uniformed services in negotiating and administering contracts for medical (physicians) and hospital services under the policy guidance of the Department of Defense.

(i) "Contractor" means the legal entity with which the Government enters into a contract for the purpose of implementing the Dependents' Medical Care Act, such as a state medical society, an insurance company, Blue Shield or Blue Cross.

(j) Miscellaneous medical and technical terminology:

(1) "Diagnosis" A determination of the existence and nature, or absence, of disease or injury by history with physical and mental findings, including physical examinations and the utilization of medically accepted diagnostic procedures, e. g., laboratory tests and pathology and X-ray examinations.

(2) "Outpatient care" The medical services which are normally performed in the home, a physician's office, or the outpatient department of a hospital, clinic or dispensary.

(3) "Maternity and infant care" Medical and surgical care for the mother incident to pregnancy including prenatal care, delivery, postnatal care, including care of the infant, and treatment of complications of pregnancy. An infant 60 days of age or under is entitled to newborn infant care from civilian sources other than in a hospital, in accordance with § 56.5-3d (2) (c).

(4) "Domiliary care" Care which is normally given in a nursing home, convalescent home, or similar institution to a patient who requires personal care rather than active and definitive treatment in a hospital for an acute medical or surgical condition. It includes but is

not limited to nursing care required as a result of old age or chronic disease.

(5) "Elective medical and surgical treatment" Medical or surgical care that is desired or requested by the patient which, in the opinion of cognizant medical authority is not medically indicated; e. g., surgery solely for cosmetic purposes.

(6) "Chronic disease" This term shall be construed to include non-acute conditions and disabilities in which the prognosis indicates long continued duration of the ailment.

(7) "Nervous and mental disorders" This term means those conditions classified as neuroses, psychoneuroses, psychopathies, or psychoses.

(8) "Dental care as a necessary adjunct to medical or surgical treatment" Dental care determined by the cognizant physician and dentist to be required for the proper treatment of a medical or surgical condition.

(9) "Adjuncts to medical care" Prosthetic devices and prosthetic appliances such as hearing aids, spectacles, orthopedic footwear, and similar medical supports, or aids.

(10) "Adjuncts to dental care" Removable or fixed prosthetic or fixed prosthodontic restorations and similar dental supports or aids.

§ 56.1-4 Administration. (a) The Secretary of Defense has jurisdiction over the Army, Navy, Air Force, Marine Corps, and the Coast Guard when operating as a service with the Navy.

(b) The Secretary of Health, Education, and Welfare has jurisdiction over the Public Health Service and for medical care purposes over the Coast and Geodetic Survey, and the Coast Guard when not in service with the Navy.

§ 56.2 Determination of eligibility and identification of dependents.

§ 56.2-1 Determination of dependents' eligibility. (a) The uniformed services will require dependents (or their sponsors) who request medical care to furnish proof of their eligibility for such care. In order to develop uniformity in the criteria utilized by the uniformed services to determine dependents eligible for medical care, the uniformed services will utilize, as soon as practicable, DD Form 1171, "Application For Dependents Authorization For Medical Care By Active Duty or Retired Member," and DD Form 1172, "Application For Dependents Authorization For Medical Care Card (By Survivor of Deceased Member of Uniformed Services or Agent Acting on Their Behalf)," as appropriate. Implementation and use of these forms shall be completed not later than 30 June 1957. Pending use of these DD forms, existing procedures for determining dependents' eligibility for medical care, employed by the respective services, will be continued. Modifications of DD Form 1171, 1172 and 1173<sup>1</sup> below may be made subject to the approval of the Office, Secretary of Defense.

(b) The Secretaries of the uniformed services and their designees are hereby

<sup>1</sup> Filed as part of the original document.

authorized to make determinations of dependency for purposes of this part.

#### § 56.2-2 Identification of dependents.

(a) Upon an affirmative determination by the Secretary of a uniformed service or his designee that a dependent is eligible for medical care, such dependent will be issued a "Dependents' Authorization for Medical Care" card, DD Form 1173. The DD Form 1173 will serve as the primary means of identifying dependents eligible for medical care.

(b) The administrative provisions governing the application for the DD Form 1173 and its issuance to dependents of members and dependents of retired members of the uniformed services and dependents of persons who died while a member or a retired member of a uniformed service will be as prescribed by the Secretary of the uniformed service concerned. However, such regulations for active duty members with dependents will include but not be limited to provisions for the following:

(1) Issuance. Application for, and issuance of, DD Form 1173 will be accomplished at the following times:

(i) Upon entry on active duty for a period in excess of 30 days.

(ii) Upon re-enlistment.

(iii) Upon change in dependency status stated on current authorization card.

(iv) Upon certification of loss.

(v) Upon retirement or death.

(2) Surrender. The DD Form 1173 shall be surrendered:

(i) Whenever a new card is issued except to replace loss.

(ii) Upon expiration date.

(iii) Whenever one or more of the listed dependents becomes ineligible.

(iv) Upon death, retirement or release of member to inactive duty.

(3) Expiration date. The DD Form 1173 shall be effective for a maximum period of two years from issuance date. In those instances in which the sponsor's status, (which permits his dependents eligibility for medical care) will change in less than two years, the expiration date will be modified accordingly.

(4) Dependents listed. All dependents entitled to medical care who claim entitlement through the same sponsor will be listed on the DD Form 1173.

(5) Family groups. One card will be issued to a family group and will ordinarily be provided the principal dependent, member, retired member, parent, or guardian as appropriate. However, in those instances in which this requirement will, as determined by the issuing authority, result in hardship, duplicate cards may be issued. A Secretary of a uniformed service may authorize the use of the card for other purposes.

(6) Entitlement to care in civilian facilities. All DD Forms 1173 will contain an appropriate notation as to those dependents who have entitlement to medical care at both medical facilities of the uniformed services and civilian medical facilities.

(c) The original issuance and use of the DD Form 1173 will be accomplished by all the uniformed services as soon as

practicable, but in no event later than 30 June 1957.

§ 56.3 *Determination of sources from which eligible dependents receive medical care.*

§ 56.3-1 *Among uniformed services facilities.* Normally, a dependent requesting care at a uniformed services facility will be expected to use the facilities servicing the area in which the dependent resides.

§ 56.3-2 *Between civilian medical facilities and uniformed services facilities within continental United States, Alaska, Hawaii, and Puerto Rico.* (a) Dependents eligible for civilian medical care who are not residing with their sponsors shall have free choice between uniformed services medical facilities and civilian medical facilities.

(b) Outpatient medical care at Government expense for dependents eligible for civilian medical care is not authorized from civilian sources, except that certain specified treatment for such dependents who are not hospitalized, will be authorized when in accordance with §§ 56.5-2 (f) 56.5-3 (d) (1) (2) and (3) or 56.5-6 (e).

(c) Dependents eligible for civilian medical care who reside with their sponsors shall have free choice between uniformed services medical facilities and civilian medical facilities except that the Secretary of a uniformed service with the approval of the Secretary of Defense or the Secretary, Health, Education and Welfare, as appropriate, may require such dependents in a prescribed area to seek medical care in a uniformed services medical facility if he finds that:

(1) The uniformed services medical facility is adequate to care for the dependents of the members assigned to that area, and

(2) The use of civilian medical facilities by the dependents in that area has affected adversely the optimum economic utilization of the uniformed services medical facility.

(d) When necessary restrictions on freedom of choice for a particular medical facility are imposed, the Secretary of a uniformed service may prescribe a local geographic area which the medical facility concerned shall serve normally. In determining the boundaries of the geographic area, consideration shall be given to normal commuting time, distance, and unusual geographic and transportation factors such as toll bridges or ferries which would increase unreasonably the time and expense of travel. It shall be the responsibility of the Secretary of a uniformed service, when imposing necessary restrictions upon the freedom of choice of a dependent, to ensure liaison and coordination among all uniformed services and civilian medical facilities in and adjacent to the geographical area in which restrictions have been imposed. When any restrictions on freedom of choice have been imposed or removed, the Executive Agent shall be so advised.

§ 56.3-3 *Emergency care.* Any restrictions on freedom of choice shall be waived when circumstances indicate that

it was necessary for the eligible dependent to obtain authorized medical care from civilian facilities due to a bona fide emergency, e. g., serious injury following an accident or illness of sudden onset requiring immediate treatment at the nearest available medical facility to preserve life, health, or to prevent undue suffering.

§ 56.4 *Medical care for dependents at medical facilities of the uniformed services.*

§ 56.4-1 *Authority for providing medical care to dependents.* Whenever requested, medical care shall be given dependents of members and dependents of retired members of the uniformed services, and dependents of persons who died while a member or a retired member of a uniformed service, in medical facilities of the uniformed services subject to the availability of space and facilities, and the capabilities of the professional staff. Determinations made by the medical officer in charge of the medical facility, or by his designee, as to availability of space, facilities, and the capabilities of the professional staff, shall be conclusive. The furnishing of medical care to dependents shall not interfere with the primary mission of those facilities.

§ 56.4-2 *Facilities available.* In making the determination of the availability of medical facilities at a specific location, the following criteria shall be applied:

(a) Mission of the uniformed services medical facility.

(b) Adequacy of professional care available for diagnosis and treatment.

(c) Maximum number of patients who can be treated without sacrificing high professional medical standards.

(d) Optimum utilization of facilities of the uniformed services.

§ 56.4-3 *Medical care authorized.* (a) Medical care of dependents in the facilities of the uniformed services shall be limited to the following:

(1) Diagnosis.

(2) Treatment of acute medical conditions, including acute exacerbations or acute complications of chronic diseases.

(3) Treatment of surgical conditions.

(4) Treatment of contagious diseases.

(5) Immunization.

(6) Obstetrical and infant care.

(b) Treatment may be provided for acute emergencies of any nature which are a threat to the life, health, or well-being of the patient including acute emotional disorders. Hospitalization is authorized at Government expense for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition also qualifies for care under § 56.4-3 (a) (1) (2), (3) (4), or (6) With special exceptions as authorized by the Surgeon General of a uniformed service, additional care in a hospital of the uniformed services on a space available basis may be provided in accordance with § 56.4-4 (b)

(c) When a hospitalized patient requires care beyond the capabilities of the medical facility the procurement from civilian sources of the necessary supplemental material, and professional and

personal services required for the proper care and treatment of the patient in a medical facility of a uniformed service is authorized. This authorization applies after the admission of a patient when the patient's condition so requires.

§ 56.4-4 *Medical care not authorized.* Dependents shall not be provided:

(a) Hospitalization at medical facilities of the uniformed services for the following:

(1) Chronic diseases. (See §§ 56.1-3 (j) (6) and 56.4-3 (a) (2).)

(2) Nervous and mental disorders. (See § 56.1-3 (j) (7).)

(3) Elective medical and surgical treatments. (See § 56.1-3 (j) (5).)

(4) Domiciliary Care. (See § 56.1-3 (j) (4).)

(b) However, in special and unusual cases, exceptions may be made by a Surgeon General of the uniformed services and hospitalization may be provided for such disorders or diseases as set forth in paragraph (a) (1) and (2) of this section. In no instance, may the period of hospitalization exceed 12 months.

(c) Artificial limbs, artificial eyes, hearing aids, orthopedic footwear and spectacles, except that outside the continental limits of the United States and at remote stations within the continental limits of the United States, as designated by the Secretary of the uniformed service concerned and approved by the Secretary of Defense where adequate civilian facilities are not available, those items, if available from Government stocks, may be provided to dependents at invoice cost to the Government.

(d) Ambulance service, except in acute emergency as determined by the medical officer in charge.

(e) Home calls, except in special cases where it is determined by the cognizant medical authority to be medically necessary.

§ 56.4-5 *Dental care.* (a) Dental care for dependents is not authorized except:

(1) Emergency dental care to relieve pain and suffering, but not to include any permanent restorative dentistry or dental prosthesis;

(2) Dental care as a necessary adjunct to medical or surgical treatment (See § 56.1-3 (j) (8) and

(3). Outside continental United States, and in remote areas within continental United States as designated by the Secretary of a uniformed service and approved by the Secretary of Defense where adequate civilian dental facilities are not available.

§ 56.4-6 *Admission of dependents for medical care.* (a) As indicated in § 56.2-2, the DD Form 1173 will serve as the primary means of identifying dependents eligible for medical care. However, pending use of DD Form 1173, existing methods and procedures for identifying dependents eligible for medical care may be continued within each of the respective services with such immediate modifications of established procedures as are required to permit all eligible dependents access to medical care.

(b) Procedures for admission of dependents requesting medical care at uni-

formed services medical facilities prior to 1 July 1957 will be as currently established by the admitting facility.

(c) Procedures for admission of dependents requesting medical care at uniformed services medical facilities after 30 June 1957 will be as follows:

(1) Identification will be by means of a DD Form 1173. Uniformed services medical facilities may prescribe such additional local procedures as necessary. However, these procedures should not complicate, delay or preclude treatment of an eligible dependent nor discriminate against the dependent of members of other services.

(2) Under emergency conditions and similar circumstances, the admitting authority may waive the requirement of producing DD Form 1173. However, in each such instance at uniformed services medical facilities certification will be required attesting to the dependent's eligibility for medical care. This certification will be executed by either the dependent, the member, retired member, parent or guardian as appropriate.

§ 56.4-7 *Cross-utilization of service medical facilities.* To provide effective cross-utilization of medical facilities of the uniformed services, eligible dependents, regardless of service affiliation, shall be given equal opportunity for medical care. Commanders of medical facilities of the uniformed services will establish the necessary coordination with each other in those areas where their medical service areas are in proximity to ensure optimum utilization of all facilities concerned. In addition, commanders of uniformed services hospitals will establish necessary liaison and coordination with the representatives of the local medical society and the civilian hospital facilities as appropriate, to ensure to the maximum extent possible, the smooth referral of excess dependent patient loads to civilian medical facilities when such referrals appear desirable.

§ 56.4-8 *Charges for dependent medical care.* When medical care is provided dependents in facilities of the uniformed services, the patient shall pay the following charges:

(a) *Inpatient care.* The per diem rate of charge for inpatient care provided dependents is \$1.75 which includes cost of subsistence.

(b) *Outpatient care.* As a restraint on excessive demands for medical care, uniform minimal charges may be imposed for outpatient care only after a special finding by the Secretary of Defense after consultation with the Secretary of Health, Education and Welfare that such charges are necessary. The Secretaries of the uniformed services shall have continuing responsibility for determining the nature and extent of possible abuses of outpatient care in uniformed services medical facilities and shall so advise the Secretary of Defense when their findings are in the affirmative.

§ 56.5 *Medical care in civilian facilities.*

§ 56.5-1 *Eligibility for civilian medical care.* Under the provisions of this section, wives, dependent husbands and

children who are dependents of members of the uniformed services are eligible to receive at Government expense specified medical care in civilian hospitals and from civilian physicians and surgeons.

§ 56.5-2 *Medical and hospital care authorized from civilian sources.* Medical and surgical care from civilian sources is authorized for spouses and children who are dependents of members of the uniformed services for the following:

(a) Treatment of acute medical conditions, including acute exacerbations or acute complications of chronic diseases only during hospitalization except as otherwise provided in this part.

(b) Treatment of surgical conditions only during hospitalization except as otherwise provided in this part.

(c) Treatment of contagious diseases during hospitalization.

(d) Complete obstetrical and maternity care.

(e) Three hundred sixty-five days' hospitalization in semi-private accommodations for each admission, including all necessary services and supplies furnished by the hospital during hospitalization.

(f) Services required of a physician or surgeon prior to and following hospitalization for a bodily injury or surgical operation.

(g) Treatment in a hospital of acute emergencies of any nature which are a threat to the life, health, or well-being of the patient including acute emotional disorders. Hospitalization is authorized at Government expense for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition also qualifies for care under paragraph (a) (b) (c) or (d) of this section. With special exceptions as authorized by the Surgeon General of a uniformed service, additional care in a hospital of the uniformed services on a space available basis may be provided in accordance with § 56.4-4 (b). In such cases, transfer to a uniformed service hospital at Government expense is authorized.

(h) Diagnostic tests and procedures including laboratory tests and pathology and X-ray examinations, when ordered by the attending physician, only during hospitalization, except as otherwise provided in this part.

(i) Dental care which is a necessary adjunct to medical or surgical treatment rendered in a hospital to a dependent who is a hospital inpatient. Such dental care shall not include removable or fixed prosthodontic restorations.

§ 56.5-3 *Terms of reference and rules for the provision of authorized medical care from civilian sources—(a) Applicable terms—(1) Hospital.* The word "hospital" shall mean only an institution which is operated in accordance with the laws of the jurisdiction in which it is located pertaining to institutions identified as hospitals, is primarily engaged in providing diagnostic and therapeutic facilities for surgical and medical diagnosis, treatment and care of injured and sick persons by or under the supervision of staff physicians or surgeons, and continuously provides 24-hour nursing serv-

ice by registered graduate nurses. It shall specifically exclude any institution which is primarily a place of rest, a place for the aged, a place for the treatment of drug addiction or alcoholism, a nursing home, a convalescent home, or a facility operated by the Federal Government or any agency thereof. If the experience of the Executive Agent indicates that the care provided in a hospital is substandard, or charges of a hospital are excessive, Government approval of its use in the future may be withdrawn and payment of charges by the Government denied for patients admitted subsequent to the withdrawal of approval unless the case is certified as an emergency by the attending physician or surgeon.

(2) *Semi-private accommodations.* The term "semi-private accommodations" signifies the presence of 2, 3, or 4 beds in a room in which a patient is hospitalized. Private accommodations means one bed in a room.

(3) *Necessary services and supplies.* Those services and supplies ordered by the attending physician which are customarily provided and charged for by the hospital.

(4) *Physician or surgeon.* A person who is legally qualified to prescribe and administer all drugs and to perform all surgical procedures.

(5) *Local schedule of allowances.* Professional fees for payment of physician's services applicable to a local area negotiated with the physicians' representatives and approved by the Executive Agent for the Department of Defense and Department of Health, Education and Welfare.

(b) *Hospital care.* (1) Hospital care under this section is defined as inpatient care for 18 consecutive hours or more, except for shorter periods of hospitalization for surgical procedures, treatment of fractures or other bodily injuries, or in instances in which death occurs in a lesser period of time.

(2) Hospital care shall include board and room and necessary services and supplies up to a maximum of 365 days for each admission.

(c) *Nursing care.* If, while receiving authorized hospital care, private-duty nursing care is required for proper care and treatment, and if the patient's attending physician certifies to such a requirement, a portion of the cost will be borne by the Government in accordance with § 56.5-6 (d).

(d) *Professional services—(1) Professional services related to hospitalization.* (i) The payment of physicians' fees according to the local schedules of allowances, including those of necessary consultants, for treatment of medical and surgical conditions during a period of hospitalization is authorized. The attending physician shall certify as to the requirement for a consultant's services.

(ii) All diagnostic and therapeutic tests and procedures authorized by the attending physician and accomplished during a period of hospitalization are authorized for payments by the Government.

(iii) The approved local schedules of allowances payable to a physician or surgeon for treatment in a hospital of a

bodily injury or for a surgical procedure shall include pre-hospitalization care and normal after-care following a period of hospitalization.

(iv) Although the Dependents' Medical Care Acts provides primarily for professional services during hospitalization and does not permit "medical care normally considered to be outpatient care" at Government expense, certain limited benefits are authorized as indicated elsewhere in this section, and below:

(a) Payment is authorized in an amount not to exceed \$75 at Government expense for necessary diagnostic tests and procedures performed or authorized by the attending physician prior to hospitalization for the same bodily injury or surgical procedure for which hospitalized.

(b) Payment is authorized in an amount not to exceed \$50 at Government expense for necessary tests and procedures performed, or authorized by the attending physician for proper after-care of the same bodily injury or surgical procedure for which hospitalized.

(c) The monetary limitations in (a) and (b) above are intended only to define the liability of the Government under the stated conditions and in no way modify, alter, or affect the fees for individual procedures contained in the local schedules of allowances, nor do they restrict the physician in the performance or authorization of necessary tests or procedures.

(d) The monetary limitations in (a) and (b) above may be exceeded only in special and extraordinary cases provided that the physician authorizing the tests and procedures, the charges for which exceed the amounts specified above, submits a special report which shall be reviewed by a contractor's physician review board. This board will make appropriate recommendations to the Executive Agent who may authorize such additional payments.

(e) If the physician initially responsible for care of a patient for a condition for which the patient is hospitalized terminates his professional care prior to or upon hospitalization, and does not continue to provide professional care in the hospital because the care of the patient is transferred to another physician, he shall be authorized the fee for a single professional visit prior to hospitalization in accordance with the local schedule of allowances. This subparagraph does not apply to subparagraph (2) of this paragraph.

(2) *Obstetrical and maternity services.* (i) Complete obstetrical and maternity services shall include prenatal care, delivery, and postnatal care in a hospital, office, or home. Payments for prenatal care, delivery, and post-partum care shall be made to the physician performing the respective service in accordance with the local schedule of allowances.

Allowances are authorized for laboratory tests, pathology or radiology examinations, and other procedures performed or authorized by the attending physician in the management of the pregnancy. In instances of home or office confinements, payments are not authorized for the purchase or rental of

beds, bassinets, or similar equipment, nor for services of private duty nurses. (See § 56.5-6 (f).)

(ii) If a consultant's services are required for proper care and treatment of the patient and the attending physician certifies as to the requirement, such care is authorized.

(iii) Necessary or required infant care shall be provided during the period of hospitalization following delivery. If the infant requires further hospitalization following delivery, such care is authorized as a continuation of the original admission. As a part of complete maternity service, newborn infant care outside of a hospital, including immunization, is also authorized at Government expense for a maximum period of 60 days following delivery but not to exceed a total of two (2) visits by a physician or to a physician after discharge from the hospital.

(3) *Other professional services.* The authorized payments for the treatment of bodily injuries when a patient is not hospitalized, including diagnostic and therapeutic tests and procedures authorized by the attending physician, are limited to treatment of fractures, dislocations, lacerations and other wounds as prescribed in the local schedules of allowances. (See § 56.5-6 (c).)

§ 56.5-4 *Medical care not authorized.* Medical care specified in this section shall not be authorized for any of the following:

(a) Chronic diseases. (See §§ 56.1-3 (j) (6) and 56.5-2 (a).)

(b) Nervous and mental disorders. (See § 56.1-3 (j) (7).)

(c) Elective medical and surgical treatment. (See § 56.1-3 (j) (5).)

(d) Domiciliary care. (See § 56.1-3 (j) (4).)

(e) Treatments or procedures normally considered to be outpatient care.

(f) Ambulance service, except as provided in §§ 56.5-8, 56.5-5 (d) and 56.5-2 (g).

§ 56.5-5 *Admission of dependents for medical care to civilian sources.* Dependents requesting medical care from civilian sources will be required to observe the following procedures:

(a) Prior to 1 July 1957, identification will be established by the best available means including the DD Form 720, "Dependent's Identification Card," and such other means of identification currently provided by the uniformed services. In addition, dependents or their parent, sponsor or guardian, as appropriate, will be required to execute a certification form to be prescribed by the Executive Agent and made available to the source of medical care. This form will serve the purpose of assisting both in the identification of dependents and the ultimate billing made by civilian physicians, surgeons, and civilian medical facilities. In developing this form, the Executive Agent will insure that it will include appropriate provision for:

(1) Identification of the patient.

(2) Identification of sponsor member or uniformed service on active duty.

(3) Certification of the dependent, accompanying parent, member or acting guardian as to the eligibility of the de-

pendent for care under P. L. 569—84th Congress.

(4) Diagnoses, medical services furnished and charges.—

(5) Certification by the source of medical care that services were provided in accordance with P. L. 569—84th Congress.

(b) *After 30 June 1957.* Identification will be by means of the DD Form—1173 and, in addition, execution of the form described in paragraph (a) of this section will also be required.

(2) Under emergency conditions and similar circumstances, the admitting authority may waive the requirement of producing a DD Form—1173. However, in each instance of this nature, the form prescribed by the Executive Agent and referred to in paragraph (a) of this section will be executed.

(c) In cases of spouses and children receiving treatment in a civilian medical facility at Government expense at the time of release of a member from active duty, the Government's responsibility ceases as of the date of notification of the hospital that the dependent's eligibility for medical care has terminated or the normal expiration date on the DD Form—1173, which ever is earlier.

(d) Spouses and children of members of the uniformed services receiving treatment in a civilian medical facility at Government expense at the time of death of the member, or such spouses and children requiring care in a civilian facility as a result of being in the same accident which proved fatal to the member, if continued hospitalization is required, shall be transferred to a uniformed services medical facility as soon as the physical condition of the patient permits. If such a transfer is made, it will be accomplished at Government expense. The cost of medical care for the dependent during the period of hospitalization in the civilian facility shall be borne by the Government subject to the charges provided in § 56.5-6, but not after the date on which feasible arrangements for transfer have been made.

§ 56.5-6 *Charges.* (a) When the entire period of hospitalization has been in other than private accommodations, the patient shall pay to the hospital the greater of subparagraph (1) or (2) of this paragraph.

(1) The first twenty-five dollars (\$25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the per diem rate established in § 56.4-8 (a).

(b) If hospital care in a private room is obtained by the patient because it is required for the proper care and treatment, and if the patient's attending physician so certifies, the amount of private room charges less the patient's payment set forth below will be paid by the Government. The patient will be required to pay to the hospital the greater of subparagraph (1) or (2) in addition to subparagraph (3) of this paragraph.

(1) The first twenty-five dollars (\$25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospital-



ization by the per diem rate established in § 56.4-8 (a)

(3) 25% of the difference between private room charges and weighted average cost of semi-private room charges.

(c) If hospital care in a private room is provided at the specific request or desire of the patient or of the sponsor, the patient will be required to pay to the hospital the greater of subparagraph (1) or (2) and in addition subparagraph (3) of this paragraph.

(1) The first twenty-five dollars (\$25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the established per diem rate.

(3) The difference between private room charges and weighted average cost of semi-private room charges.

(d) If while receiving authorized hospital care, private-duty nursing care is required for proper care and treatment, and if the patient's attending physician so certifies, 75 per cent of the charges in excess of \$100.00 for such private-duty nursing care will be paid by the Government.

(e) When a patient is treated for injury other than as an inpatient in a hospital in accordance with § 56.5-3 (d)

(3) the payments made shall be in accordance with the local schedules of allowances. Payments not to exceed a maximum of \$75.00, except as provided for under § 56.5-3 (d) (1) (iv) (d) are also authorized for laboratory tests, pathology and radiology examinations provided they are procedures performed by or authorized by the attending physician or surgeon. Payment of charges is also authorized for use of hospital outpatient facilities required for the treatment of the injury, e. g., a cast room. The patient shall pay the first \$15.00 of the total charges for each different cause or accident for which treatment and services are rendered, except that multiple injuries to the same person resulting from a single accident shall be considered as one injury for payment of the maximum required fee (\$15.00) by the patient. The Government shall pay for all costs in excess of \$15.00 as authorized in the local schedules of allowances or as provided for in normal hospital rates for use of their outpatient facilities. However, payment by the Government for laboratory tests and pathology and radiology examination shall not exceed the \$75.00 maximum, except as provided for under § 56.5-3 (d) (1) (iv) (d)

(f) All admissions to a hospital of an obstetrical patient as an inpatient for care required in direct connection with the pregnancy, including direct complications thereof, rendered during the period of pregnancy up to and including delivery and postpartum inpatient care following delivery, or immediate postpartum inpatient care for patients delivered outside the hospital, shall be considered as one admission for the purpose of determining charges to the dependent. Admission for a non-obstetrical diagnosis in the course of a pregnancy would require the patient to pay the charges for a separate admission. Patients who are delivered in a home or office shall pay the first \$15.00 of charges

in connection with the delivery, if not subsequently hospitalized.

(g) When a patient who is in an inpatient status is transferred to another hospital to obtain as an inpatient necessary treatment not available in the first hospital and no break in hospitalization occurs except for time in transit, it shall be considered one admission for the purpose of payment of charges by the patient in accordance with this section.

§ 56.5-7 *Administration.* (a) The Secretary of the Army, acting as Executive Agent for the Secretary of Defense, shall contract for medical care within the continental United States, Alaska, Hawaii and Puerto Rico in accordance with the Armed Services Procurement Regulations with authority to redelegate such responsibilities within the Department of the Army. The Department of the Army personnel authorization and funds will be increased by the Office of the Secretary of Defense, upon justification, to provide for the personnel required for the dependent medical care program and to carry out the responsibilities of the Executive Agent. The Secretary of the Army shall be responsible for the provision of personnel, space, equipment, facilities and supplies, including related budgeting, funding, administrative control of funds, facility control, training, manpower control and utilization, personnel administration, security administration and other administrative provisions and services necessary to carry out assigned missions as Executive Agent. The Executive Agent's authority does not extend to the conduct of the medical care program in medical facilities of the uniformed services.

(b) The Executive Agent shall be responsible within the continental United States, Alaska, Hawaii and Puerto Rico for the following:

(1) Preparation of the terms and placement of the contract or contracts to be established to include but not limited to:

(i) Local schedules of allowances to be used in full payment of bills presented by physicians and surgeons.

(ii) A provision for review and, if necessary an adjustment of administrative payments not later than 120 days after the first year the plan or plans have been in effect and each year thereafter.

(iii) Determination of administrative responsibilities of the contractors and methods of determining administrative costs.

(iv) Adequate billing procedures covering bills transmitted from the physicians or the treatment facility either directly to the Government, through a contractor, or by other arrangement, as applicable.

(2) Administration of the contract:

(i) Liaison activities with the contractor.

(ii) Payment of bills.

(iii) The development of any budgetary information required by the uniformed services as prescribed by the Joint Regulations.

(iv) Audit.

(v) Preparation of such statistical information as may be necessary including that for the annual report of the Secretary of Defense to Congress.

(vi) The Executive Agent's responsibility shall not include as a matter of routine a detailed supervision of civilian medical procedures or a detailed inspection of civilian medical facilities.

(vii) The Executive Agent shall be responsible for the processing of complaints with reference to civilian medical care and hospitalization.

(viii) Contractors shall have detailed responsibility for resolving medical disputes through local grievance committees composed of civilian physicians.

(c) Care in civilian facilities outside continental United States, Alaska, Hawaii and Puerto Rico:

(1) In areas other than the continental United States, Alaska, Hawaii and Puerto Rico in which medical facilities of the uniformed services are either non-existent or incapable of providing adequate medical care for the spouses and children who are dependents of active duty members of the uniformed services residing in the area, authorized medical care as defined in this part may be provided from acceptable local sources.

(2) The Secretary of a uniformed service is authorized, with authority to redelegate such responsibilities as appropriate, to contract or provide for payment for authorized medical care in such areas. The responsibilities of the uniformed services, where appropriate, shall be the same as those listed for the Executive Agent in paragraph (b) of this section.

(d) A Secretary of a uniformed service shall be responsible for the following:

(1) Initial eligibility determinations and means of identification of the dependent for medical care as prescribed in this directive in §§ 56.2-1—56.2-2.

(2) Budgeting and funding for that portion of the total cost including administrative expenses which is properly attributable to his service.

(3) Reimbursement in accordance with cross-servicing agreements for care contracted by one service for dependents of another service. Any amounts received through such reimbursement shall be deposited to the credit of the appropriation supporting such contracts for medical care.

(4) Furnishing such information as required by the Executive Agent for the performance of his duties, including such data as the Executive Agent may require on dependent medical care from sources overseas other than uniformed services facilities.

§ 56.5-8 *Hospitalization beyond period of 365 days.* When a spouse or child, who is a dependent, requires a period of hospitalization in excess of 365 days, the attending physician shall notify the contractor who shall forward a copy of this notification to the Commanding Officer of the patient's sponsor. This notification normally will be submitted not later than 300 days after admission of the patient. Advance notice will permit arrangements to be made for proper transfer of the patient to a



hospital of the uniformed service if this is determined to be feasible. If such a transfer is made it will be accomplished at Government expense. When transfer is not feasible, continuation of care in the civilian hospital at the expense of the Government may be authorized subject to the joint regulations.

§ 56.5-9 *Government liability for payment of civilian medical care costs.* As prescribed in § 56.2, the uniformed services shall provide dependents with means of identification. When spouses and children of members of the uniformed services are provided civilian medical care, it is expected that the attending physician and medical facility will use reasonable care and precaution in identifying them. When medical care has been provided in good faith by the attending physician and medical facility and it is subsequently determined that the persons concerned were not in fact entitled to medical care at Government expense under P. L. 569, collection and other legal action shall be taken only against the sponsor or individual who was not entitled to the medical care. Where fraud is involved, the matter may be referred to the Attorney General of the United States with recommendation for prosecution.

§ 56.6 *Medical care in medical facilities not otherwise provided for.* (a) When dependents eligible for civilian medical care receive medical care authorized by this part, on an emergency basis, in a medical facility which is not included in the definition of a hospital as provided for in § 56.5-3 (a) (1) or is not a uniformed services medical facility, the dependent will pay the charges listed in § 56.5-6 and the Government will pay the difference between the amount payable by the dependent and the reimbursable cost. Payments by the Government for such care rendered in Federal medical facilities other than those of a uniformed service will be on a reimbursable basis between the Executive Agent and the Department or agency concerned. This section does not apply to § 56.6-1 (c).

(b) When dependents receive medical care authorized by this part in the governmental facilities of a foreign government (not civilian) the dependent will pay the charges listed in § 56.5-6 and the difference between the total cost and the amount paid by the dependent will be paid by the United States Government. In instances where a reciprocal agreement between a foreign government and the United States is in effect, which provides for no charge or a lesser charge to the dependent than those listed in § 56.5-6, such charges, if any, under the reciprocal agreement shall prevail.

(c) This part does not affect dependents' medical care furnished under the provisions of section 105 of Public Law 153, 83rd Congress, as amended by section 107 of Public Law 453, 83rd Congress, which authorizes medical and dental care for eligible dependents of military personnel in Canal Zone Government medical facilities.

§ 56.7 *Medical care for members of the uniformed services.* Persons in the

uniformed services on active duty or active duty for training are entitled to and shall be provided medical and dental care and adjuncts thereto. Under ordinary circumstances such members will receive medical care at the medical facility of the uniformed service which serves the organization to which the member is assigned. A member who is away from his duty station or is on duty where there is no medical facility of his own service available, may receive care at the nearest available medical facility of the uniformed services. Commissioned officers and warrant officers on active duty or active duty for training shall pay an amount equal to the portion of the charge established under § 56.4-8 (a) that is attributable to subsistence when hospitalized in a medical facility of the uniformed services. Nothing in this part shall affect the existing provision for providing medical care to members of the uniformed services through civilian or other sources.

§ 56.8 *Medical care for retired members of the uniformed services.*

§ 56.8-1 *Retired members eligible for care.* Retired members shall be furnished required medical and dental care and adjuncts thereto to the same extent as provided for active duty members in any medical facility of a uniformed service, subject to mission requirements and the availability of space, facilities and capabilities of the medical staff as determined by the cognizant medical authority in charge of the medical facility. Nothing in this part is intended to change or modify the provisions of Executive Order 10122, 14 April 1950, as amended by Executive Order 10400, 27 September 1952.

§ 56.8-2 *Ration allowance for retired enlisted members.* Retired enlisted personnel, including members of the Fleet Reserve, and the Fleet Marine Corps Reserve, shall not be charged for subsistence when hospitalized in a medical facility of a uniformed service.

§ 56.8-3 *Charges for officers' subsistence.* Retired commissioned officers and retired warrant officers shall pay an amount equal to the portion of the charge established under § 56.4-8a that is attributable to subsistence when hospitalized in a medical facility of the uniformed services.

§ 56.9 *Budgeting and accounting for medical and dental care furnished in facilities of the uniformed services.* The Secretaries of the uniformed services shall budget for supporting the maintenance and operation and/or subsistence of their service medical facilities for the medical and dental care of their members, retired members and dependents furnished in the medical facilities of their respective service. The Secretaries of the uniformed services shall also budget for reimbursement for the medical and dental care of their members, retired members and dependents receiving inpatient care in facilities of another uniformed service. Reimbursement shall be made between departments (Army, Navy, Air Force, and United States Public Health Service) for inpatient care fur-

nished by one service for members, retired members, and dependents of another service at rates to be prescribed by the Bureau of the Budget to reflect the average cost of providing such care. Any amounts received through reimbursements or through local collection for subsistence and/or medical care in facilities of the uniformed services shall be deposited to the credit of the appropriation(s) supporting the operation and maintenance of the service medical facility furnishing care.

§ 56.10 *Implementation.* Joint implementation in accordance with this part, covering care of dependents, shall be accomplished as appropriate by the uniformed services.

§ 56.11 *Effective date.* This part is effective for planning purposes immediately and for implementation on 7 December 1956.

C. E. WILSON,  
Secretary of Defense.  
MARION B. FOLSOM,  
Secretary of Health,  
Education, and Welfare.

[F. R. Doc. 56-9139; Filed, Nov. 7, 1956; 8:56 a. m.]

## Chapter V—Department of the Army

### Subchapter A—Aid of Civil Authorities and Public Relations

#### PART 518—RECORDS AND REPORTS

#### RELEASE OF INFORMATION AND RECORDS FROM ARMY FILES

Sections 518.1 through 518.4 are revised to read as follows:

- Sec.  
518.1 Introductory.  
518.2 General principles and procedures.  
518.3 Information obtainable by members of the general public.  
518.4 Information obtainable by persons properly and directly concerned.

**AUTHORITY:** §§ 518.1 to 518.4 Issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 60 Stat. 238, 62 Stat. 637, 977, 64 Stat. 159, 583; 5 U. S. C. 1002, 18 U. S. C. 283, 641, 793, 795, 797, 1905, 28 U. S. C. 2507, 44 U. S. C. 396.

§ 518.1 *Introductory—(a) Authority to release records or their contents.* The Secretary of the Army has charge and control of all records and papers of the Army. It is his responsibility to insure that these documents, and the information contained therein, are utilized in a manner to serve best the public interest. The release of information therefrom outside of the Army Establishment is a matter to be determined by the Secretary or by persons authorized to act in his behalf. No subordinate in the Army Establishment has authority to release any original records, copies, extracts, or summaries thereof, or any information therefrom, except as provided in §§ 518.1-518.4 and the regulations cited therein.

(b) *Scope—(1) Source of request.* Sections 518.1-518.4 apply only to requests from individuals in the executive agencies of the Federal Government whose official duties do not entitle them to secure the records; from members of

the public; from private companies and organizations; and from agencies of State and local Governments.

(2) *Nature of records.* Sections 518.1-518.4 set forth certain basic principles which apply to all types of Army records.

(3) *Release of the contents of records.* As used in §§ 518.1-518.4, the authority to release records includes authority to release summaries, extracts or copies of such records or to permit an examination of such records.

(c) *Definitions.*—(1) *Secretary of the Army.* This term refers to the Secretary or any individual to whom authority to act has been delegated.

(2) *Request.* This term applies to requests for copies of records as well as requests for information therefrom.

(3) *Army records.* All records, papers, and files of the Army Establishment as well as the contents of such records.

(4) *Safeguarded records.* This term is used to cover two different types of records, each of which must be protected:

(i) Classified information relating to the national defense. This material falls within the meaning of Executive Order 10501, 5 November 1953. (18 F. R. 7049), and is covered by §§ 505.1-505.16 of this subchapter.

(ii) Information which may be privileged in nature does not relate necessarily to the national defense. Examples are: communications between attorney and client and doctor and patient; exchange of opinions between officials; reports from subordinates to seniors; and other material described in § 518.2 (d)

(d) *General policy.* (1) As a general policy, records of the Army Establishment may be released in accordance with §§ 518.1-518.4 when such release is consistent with security requirements and the public interest. In fact, certain missions of the Army require the release of information or records to members of the public or to specific individuals or agencies. Such information, and other information which is not safeguarded within the meaning of paragraph (c) (4) of this section, may be released upon request, provided that the request is not so burdensome as to interfere materially with the operations of the Army Establishment.

(2) When a request for safeguarded records is received, the Secretary or the officers designated by him, will determine whether the applicant is properly and directly concerned and whether release of the information would be compatible with the public interest. The determinations will take into account the nature of the information sought and the use to be made of it by the applicant. If a decision is made to release the record, an exception will be made under the provisions of § 518.2 (d) (3)

(3) The Bureau of the Budget has directed that a charge be imposed for conducting a search and preparing copies of records in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U. S. C. 140). Exceptions are made if an individual or agency is entitled to a copy under pertinent provisions.

§ 518.2 *General principles and procedures.*—(a) *Preparation of requests for Army records.* (1) Requests will be directed as follows:

(i) *Medical records.* (a) Requests involving medical records of former personnel will be directed to the Commanding Officer, Army Records Center, TAGO, 9700 Page Boulevard, St. Louis 14, Missouri.

(b) Requests for medical records of all other military personnel will be directed to the medical treatment facility where they are maintained, if known. If the medical facility is not known, the request will be directed to The Adjutant General, Department of the Army, Washington 25, D. C. (Attn: AGPE)

(ii) *Legal records and labor matters.* Requests for the following records will be forwarded to The Judge Advocate General, Department of the Army, Washington 25, D. C.:

(a) Requests involving title records, abstracts of title, condemnation proceedings, transfers, maps and surveys, leases, licenses and permits, and records concerning political jurisdiction over real property under the control and administration of the Secretary of the Army (ATTN: Chief, Lands Division)

(b) Requests involving papers relating to labor disputes (ATTN: Chief, Procurement Law Division)

(c) Requests involving records of trial by general court-martial and by special court-martial, wherein a punitive discharge was imposed (ATTN: Chief, Military Justice Division)

(iii) *Civil works program.* Requests involving papers relating to river and flood control works of the Department of the Army, other than those included in subparagraph (1) (ii) of this paragraph, will be directed to the appropriate division or district office of the Corps of Engineers, if known; otherwise, to the Chief of Engineers, Department of the Army, Washington 25, D. C.

(iv) *Civilian personnel records.* Requests involving personnel records of civilian employees, other than those pertaining to former employees, will be directed to the installation at which the individual is employed. Requests involving personnel records of former civilian employees will be directed to the Chief, Federal Records Center, GSA, 1724 Locust Street, St. Louis 3, Missouri.

(v) *Procurement matters.* Requests for material relating to procurement activities will be forwarded to the contracting officer or to the appropriate office of the technical service.

(vi) *Military personnel records and other requests.* Requests for records of military personnel (otherwise not provided for in this paragraph) requests for documentary materials seized by the military forces during operations, and all other unspecified requests, will be directed to The Adjutant General, Department of the Army, Washington 25, D. C.

(2) *Contents of requests.* All requests will include the following information:

(i) A detailed description of the papers to which the request relates so as to afford a ready identification thereof.

(ii) If the request is made by an individual acting in a representative

capacity on behalf of another individual or organization, the representative will provide a written authorization from the individual or agency concerned.

(iii) If the request relates to information or papers, the release of which is limited to persons properly and directly concerned (see § 518.4) the request will contain a statement which reflects that concern.

(b) *Personal examination of records.* (1) It is not feasible, in view of the large number of agencies and the wide variety of papers in the Army Establishment, to establish by general rule the places at which access may be granted to particular documents. However, when authority to examine records is granted, the examination normally will be permitted at the place where the papers are maintained or stored, during regular business hours, and under such circumstances and procedures as are deemed appropriate by the custodian.

(2) Army records will not be permitted to leave the possession of the authorized custodian thereof, except with the authority in each instance, of the custodian. Copies, summaries, or extracts of the records may be released, however, in accordance with the provisions of §§ 518.1-518.4.

(c) *Burdensome requests for information or copies.* Requests will not be approved if compliance therewith would interfere materially with the operations of the Army Establishment.

(d) *General restrictions on release.* (1) Requests relating to the types of records set forth below will not be approved unless an exception is made in the manner set forth in subparagraph (3) of this paragraph or in the manner prescribed by other regulations which relates to specific types of records:

(i) Material which is protected by statute or regulation (e. g., information which is secured by Government officials which involves the "know-how" process of a contractor or other confidential information)

(ii) Loyalty or security proceedings against specific individuals, the investigative procedures involved therein, and the other types of information which are outlined in Executive orders 9835, March 21, 1947 and 10450, April 27, 1953, and the Memorandum by the President, March 13, 1948 (13 F. R. 1359)

(iii) State secrets, or material which would embarrass the United States in its relations with a foreign power.

(iv) Information relating to the national defense which is classified under §§ 505.1-505.16 of this subchapter.

(v) Counterintelligence material developed by military investigative agencies or by agencies outside of the Defense Department.

(vi) Information which relates to Army, Navy, or Air Force installations or equipment, the unauthorized release of which is prohibited by the statutes.

(vii) Material received by the Army pursuant to a licensing agreement, the unauthorized disclosure of which would violate a legal obligation to the licensor.

(viii) Information of the following nature: Material which discloses the investigative techniques of the Federal

Government or the identity of confidential informants; material received in confidence by representatives of the Army Establishment.

(ix) Information which aids in the prosecution of, or support of, a claim against the United States.

(x) Reports by military personnel or civilian employees to superiors; proceedings before courts-martial, boards of officers, boards of inquiry, and courts of inquiry; and reports as to particular incidents and transactions (such as reports by claim officers and reports of survey) matters relating solely to the internal management, administration, and operation of the Army Establishment; and material relating to the performance of assigned duties by military personnel and civilian employees.

(xi) Rumors and unsubstantiated allegations prejudicial to the character, standing, or efficiency of an individual. Included in this category are reports of suspected criminal conduct or fraudulent activities on the part of military personnel or civilian employees of the Army Establishment, or private individuals or agencies who deal with the Army Establishment. This limitation will not apply if the allegations have been made the basis of formal charges in a military or civil court against the individuals or agencies.

(xii) Personnel records containing entries which are confidential in nature, the release of which would affect the morale, efficiency, or discipline of members of the Army Establishment.

(2) The limitations set forth in subparagraph (1) of this paragraph are applicable even though a safeguarding symbol may not have been placed upon the records.

(3) The Secretary, or the officers named in paragraphs (f) and (g) of this section, may make an exception and permit the release of the records enumerated in subparagraph (1) of this paragraph. The factors outlined in § 518.1 (d) (2) will be considered when an exception is made.

(e) *Declassification.* If it appears that information from, access to, or copies of safeguarded papers are of vital importance to a party requesting them, and that the granting of the request would be appropriate but for the use of the safeguarding symbol, the removal of the symbol will be considered for the whole document or portions thereof.

(f) *Delegation of authority.* Authority is hereby delegated to the officers named below to take action upon behalf of the Secretary of the Army in accordance with the stated procedures. However, the named officers will coordinate all matters which have public relations aspects with the Chief of Public Information or with the appropriate public information officer.

(1) The Adjutant General is authorized, in his discretion, to take action upon all requests set forth in paragraph (a) (1) (i) (a) and (vi) of this section and where necessary to make an exception in the public interest in accordance with paragraph (d) (3) of this section.

(2) The Surgeon General and the commanding officer of any medical treat-

ment facility are authorized, in their discretion, to take action upon all requests set forth in paragraph (a) (1) (i) (b) of this section. These officers may, subject to the restrictions set forth in § 518.4 (c) (2), furnish access to papers which are not safeguarded and are within the categories covered by § 518.4 (c) (1) (v) through (vi). The records of former military personnel are excluded. If an exception is to be considered, the request will be processed under paragraph (g) of this section.

(3) The Judge Advocate General is authorized, in his discretion, to take action upon all requests set forth in paragraph (a) (1) (ii) of this section, and where necessary to make an exception in the public interest in accordance with paragraph (d) (3) of this section.

(4) The Chief of Engineers is authorized, in his discretion, to take action upon all requests set forth in paragraph (a) (1) (iii) of this section. If an exception is to be considered the request will be processed under paragraph (g) of this section.

(5) The heads of administrative and technical services in their discretion are authorized to take action upon all requests set forth in § 518.4 (a) (2). If an exception is to be considered, the request will be processed under paragraph (g) of this section.

(6) Any authority herein delegated to The Adjutant General may be redelegated by him to the commanders of any Army, to any major overseas commander, or to the heads of administrative and technical services with regard to specified categories of papers and records which are maintained or stored by an agency or agencies under the jurisdiction of the commander or head of the service concerned. Any authority herein delegated to the Chief of Engineers or heads of other administrative or technical services may be redelegated to senior commanders with regard to specified categories of papers and records which are maintained or stored by an agency or agencies under the district or division office.

(g) *Reference to The Judge Advocate General.* Questions of legal interpretations with regard to the release of information which may arise under §§ 518.1-518.4 or in matters which arise from litigation, will be referred to The Judge Advocate General (e. g. whether information would aid in the prosecution or support of claims against the United States; whether parties requesting certain information are properly and directly concerned therewith; whether certain privileged records may be released without the consent of the individual concerned).

§ 518.3 *Information obtainable by members of the general public—(a) Authority to release or furnish access material to members of the general public.* The commander of a unit, head of an administrative or technical service, head of an agency or office concerned, may furnish access to, or copies of, unclassified regulations, publications, rules, orders, and decisions, except those which fall within the limitations set forth in § 518.2 (d)

(b) *Categories.* The following categories of records are illustrative of the type which can be released by the aforesaid officers without referring the request to the Department of the Army.

(1) Army regulations, special regulations, readjustment regulations, mobilization regulations, Joint Army-Air Force adjustment regulations, general orders, bulletins, Department of the Army pamphlets, procurement regulations, procurement circulars, Armed Services procurement regulations, instructions issued by the administrative or technical services, Army renegotiation manual, renegotiation manuals, and standard forms of bids, acceptances, contracts, and leases.

(2) Final decisions by Boards of Review created under the Uniform Code of Military Justice, Decisions of the Armed Services Board of Contract Appeals and of the War Contract Hardship Claims Board.

(3) Rules, orders, and opinions in the adjudication of cases of general public interest which may be cited as precedents; regulations concerning river and harbor and flood control activities; regulations governing navigable inland and coastal waters; and courts-martial orders.

(4) Historical data.

§ 518.4 *Information obtainable by persons properly and directly concerned—(a) General—(1) Medical records.* Nothing in §§ 518.1-518.4 will be construed to limit the recognized authority of the commanding officer of a medical treatment facility to release to the following individuals:

(i) Information of the condition of sick and injured patients may be released to the relatives of such patients, in order to allay their anxiety.

(ii) Information that the patient's condition has reached a critical stage may be released to the nearest known relative or the person designated by the patient to be informed in case of an emergency.

(iii) Information that a diagnosis of psychosis has been made may be released to the nearest known relative or the person designated by the patient.

(iv) Information to local officials with respect to all births, deaths, and cases of communicable diseases where such reports are required by pertinent local laws.

(2) *Procurement information.* Contracting officer may, in accordance with ordinary commercial practices, furnish Department of the Army contractors, subcontractors, their assignees and sureties, access to contracts or other papers pertinent to that relationship or reasonably necessary in the furtherance of the work or the furnishing of the supplies or services being obtained. However, the following limitations will apply:

(i) If safeguarded defense information is involved, the provisions of §§ 505.1-505.16 of this subchapter will be observed.

(ii) In the absence of a contractual obligation to release information or if the data is not a type which is disseminated in the course of normal working relationship, contracting officials will not

permit access to information which aids or supports a claim against the United States.

(a) Pertinent regulations of the Department of the Army, which implement the provisions of the Contract Settlement Act of 1944, permit exceptions to be made, however, and authorize a contracting officer, in the proper performance of official duties, to furnish information which aids or supports a claim against the United States (e. g., giving certain advice, aid, and assistance to war contractors, subcontractors, their assignees and sureties, in preparing contract termination claims. Contract Settlement Act of 1944 (58 Stat. 649, 699; 41 U. S. C. 101 et seq., 120 (f))) Other requests will be processed in accordance with § 518.2 (g).

(b) The Department of the Army has no objection to the release of information to stockholders on the financial operations of corporations holding Department of the Army contracts when access to books and records containing such information is permitted by State law. However, no safeguarded information may be divulged to unauthorized persons concerning the national defense or the terms of Department of the Army contracts, or rate of or processes of production of military equipment or specific war items.

(3) *Board proceedings.* The precise nature of allegations and the evidence adduced in support thereof, may be released to respondents before boards of officers and boards of inquiry. Certain other individuals and agencies will be considered also to have a proper concern in a board proceeding if they have a direct financial interest in the proceedings (e. g., a surety company which may be obliged to indemnify the Government for a loss of the funds which are involved) Requests of this nature will be processed under § 518.2 (g).

(4) *Claims files.* A claims officer, judge advocate, or other officer who is concerned officially with the disposition of claims arising out of the operation of the Army Establishment, may permit a claimant or his authorized representative to examine papers submitted by the claimant. However, in the absence of pertinent regulations, a claimant or the authorized representatives of the claimant will not be furnished information from, access to, or copies of other papers of record concerning the claim without the prior approval of The Judge Advocate General. The provisions of §§ 518.1-518.4 do not preclude authorized personnel from advising claimants as to the proper form and method of filing a claim after a claimant has manifested an intention to file a claim against the United States. Furthermore, if the claim is complex in nature, the officer may aid in the completion of the required forms.

(5) *Statement of military service.* The Department of the Army is required by statute to provide certain information relating to the service of any individual to that individual or his legal representatives. (Sec. 601 of the Soldiers and Sailors Civil Relief Act of 1940, as amended; 50 U. S. C. App. 581.)

(b) *Release of certain information in proper discharge of official duties.* Information which is released in accordance with the provisions of §§ 518.1-518.4 is considered to be a release in the proper discharge of official duties within the meaning of Title 18, United States Code, Section 283, as amended by subsection 2 (b) act of 28 June 1949 (63 Stat. 280)

(c) *Release of certain papers by The Adjutant General, The Surgeon General, or the commanding officer of a medical treatment facility.* (1) The Surgeon General or the commanding officer of any medical treatment facility may release information from unclassified papers within any of the categories set forth in subdivisions (v) through (vii) of this subparagraph. The Adjutant General may release information from papers which are not safeguarded and are within any of the categories set forth in subdivisions (i) through (vii) of this subparagraph. Any releases effected under this paragraph are subject to the limitations set forth in subparagraph (2) of this paragraph.

(i) Papers relative to applications for, designation of beneficiaries under, and allotments in payment of premiums for, National Service Life Insurance are the proper and direct concern of the applicant or insured. In the event of his death or insanity, the beneficiaries designated in the policies, or the next of kin, are considered to have a direct and proper concern in these records, and may receive information from the aforesaid records.

(ii) Papers recording the death of a member of the military service, a dependent, or a civilian employee are the proper and direct concern of his next of kin, his life insurance carrier, and legal representative.

(iii) "TAG 201 files" relating to a member or former member of the military service are the proper and direct concern of the individual to whom they pertain, his authorized agent, and legal representative. However, information or data compiled from such personnel records will be furnished only at the discretion of The Adjutant General. Paragraph (a) (5) of this section discusses certain records which normally are released to members, or former members of the Army. In addition, access to "TAG 201 files" relating to a member of the military service on active duty may be furnished to the individual to whom they pertain, his authorized agent, and legal representative. Examination of these records will be permitted only in the Personnel Records Branch, Office of The Adjutant General, The Pentagon, Washington 25, D. C.

(iv) Papers relating to the pay and allowances or allotments of a member of the military service or the pay of a civilian employee, including a former member of the military service or a civilian employee, are the proper and direct concern of, and access thereto may be furnished to, the individual to whom they pertain, and to his authorized representatives, and next of kin.

(v) Medical records relating to present or former military personnel, civilian

employees, or patients in a medical treatment facility of the Army Establishment, are the proper and direct concern of the individual to whom they pertain, and may be released to him. In the event he has been adjudged insane or is dead, the records are the proper and direct concern of the next of kin or legal representative, and may be released to them. However, if the information might prove injurious to the physical or mental health of the patient, the information will not be released to the individual concerned. In such a contingency, the information will be released only to his next of kin and legal representatives.

(vi) Medical records may be furnished to a Federal or State hospital or penal institution when the individual to whom they pertain is a patient or inmate therein. If the patient or his legal representative consents, the medical records of the patient may be released to a registered civilian physician.

(vii) Copies of medical records, or information therefrom, may be furnished to authorized representatives of the National Academy of Sciences, National Research Council, or any other accredited agency, when engaged in cooperative studies undertaken at the specific request of, or with the consent of, The Surgeon General.

(2) Information released to third persons under the provisions of subparagraphs (1) (v), (vi), and (vii) of this paragraph will be accomplished by a statement to the effect that the information is released upon condition that it will not be disclosed to other persons, except in accordance with the accepted limitations which relate to privileged communications between doctor and patient.

[AR 345-20, 9 March 1956]

[SEAL] HERBERT M. JONES,  
Major General, U. S. Army,  
Acting The Adjutant General.

[F. R. Doc. 56-9073; Filed, Nov. 7, 1956;  
8:45 a. m.]

## TITLE 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

#### Subchapter D—Grants

#### PART 55—GRANTS FOR WATER POLLUTION CONTROL

#### SUBPART B—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Notice of proposed rule making and public rule making procedures have been omitted in the issuance of the following amendment of this part which relates solely to grants.

1. Subpart B is hereby added as set forth below.

Sec.	Definitions.
55.21	Definitions.
55.22	Allotments to States.
55.23	Availability of allotments.
55.24	Applications for grants.
55.25	Grant limitations.
55.26	Assurances from applicant.
55.27	Determining the desirability of projects.

## Sec.

- 55.28 Criteria for considering propriety of Federal aid.  
 55.29 Payments.  
 55.30 Expenditure of funds.

**AUTHORITY:** §§ 55.21 to 55.30, issued under sec. 10, 70 Stat. 506; 33 U. S. C. 466e. Interpret or apply sec. 6, 70 Stat. 502; 33 U. S. C. 466l.

§ 55.21 *Definitions.* All terms used in this subpart which are defined in the Federal Water Pollution Control Act and are not defined in this section shall have the meaning given to them in such act. As used in this subpart, the following terms shall have the meaning indicated herein below:

(a) "Federal act" means the Federal Water Pollution Control Act (33 U. S. C. 466 et seq.)

(b) "Public Health Service" means the Public Health Service in the Department of Health, Education, and Welfare.

(c) "Surgeon General" means the Surgeon General of the Public Health Service.

(d) "State Water Pollution Control Agency" means the State health authority, except that in the case of any State in which there is a single State agency, other than the State health authority, charged with the responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(e) "Interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(f) "State" means a State, the District of Columbia, Hawaii, Alaska, Puerto Rico and the Virgin Islands.

(g) "Fiscal year" means a twelve-month period beginning on July 1.

(h) "Population" means the official population figures of the latest decennial census for which figures are available as certified by the Secretary of Commerce.

(i) "Per capita income" means the average of the per capita income of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce; except that in the absence of such satisfactory data, the per capita income of Alaska shall be deemed to equal the average per capita income of all the States in the continental United States and the per capita incomes of (1) Puerto Rico and (2) the Virgin Islands shall be deemed to equal the per capita income of the State having the lowest per capita income in the continental United States.

(j) "Municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(k) "Intermunicipal agency" means an agency of two or more municipalities having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(l) "Treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary inter-

cepting sewers, outfall sewers, pumping, power, and other equipment and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(m) "Applicant" means any State, municipality, intermunicipal or interstate agency which files an application for a grant of Federal funds under section 6 of the Federal act.

§ 55.22 *Allotments to States.* The funds appropriated for any fiscal year for expenditures for grants for construction of treatment works shall be allotted as soon as practicable as follows:

(a) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and

(b) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sums of such quotients for all the States.

§ 55.23 *Availability of allotments.* The allotment of a State shall be available, in accordance with the provisions of this subpart, only for payments to meet the cost of construction of treatment works in such State for which Federal grants have been approved by the Surgeon General.

§ 55.24 *Applications for grants.* Applications for grants for the construction of treatment works shall be submitted on such forms and in such manner as the Surgeon General may prescribe.

§ 55.25 *Grant limitations.* (a) Grants under this subpart shall be subject to the following limitations:

(1) No grant shall be made for any work for which a contract was let prior to July 31, 1956.

(2) To be eligible for a grant, a project must result in an operable treatment works which treats or stabilizes sewage or industrial wastes of a liquid nature in order to abate, control, or prevent water pollution.

(3) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Surgeon General and unless such project is included in a comprehensive program developed pursuant to the Federal act.

(4) No grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Surgeon General or in an amount exceeding \$250,000, whichever is the smaller: *Provided,* That the grantee agrees to pay the remaining cost.

(5) No grant shall be made until the Applicant has made provision satisfactory to the Surgeon General for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof.

(6) No grant shall be made unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 5 of the Federal act and has been certified by the State water pollution

control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs.

(b) At least 50 per centum of the funds appropriated for such grants for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of 125,000 population or under.

§ 55.26 *Assurances from applicant.* No grant shall be made until the Surgeon General has received assurances from the Applicant:

(a) That actual construction work will be performed by the lump sum (fixed price) or unit price contract method, that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid;

(b) That the project will not be advertised or placed on the market for bidding until the final plans and specifications have been approved by the Surgeon General and the appropriate State agency, and the Applicant has been so notified;

(c) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty per centum (50 percent) of the contract price, and to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance;

(d) That any change or changes in the contract which make any major alteration in the work required by the plans and specifications, or which raise the cost of the project above the latest estimate approved by the Surgeon General, will be submitted to the Surgeon General for prior approval;

(e) That the construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State, Territorial and local laws and ordinances;

(f) That the construction contract will provide that the representatives of the Public Health Service and the State will have access to the work wherever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection;

(g) That the Applicant will provide and maintain competent and adequate engineering supervision and inspection at the project to insure that the construction conforms with the approved plans and specifications;

(h) That adequate accounting and fiscal records shall be maintained to reflect the receipt and expenditure of funds for the purpose of this project and all funds, however provided for the payment of the cost of the project, shall be deposited, promptly upon receipt thereof, in a separate construction account or accounts and these funds shall be expended only for costs of the project;

(i) That the declarations, assurances, representations and statements made by the Applicant in the application, and all



documents, amendments and communications filed with the Public Health Service by the Applicant in support of its request for a grant, will be fulfilled;

(j) That the Applicant will submit to the Surgeon General such documents and information as he may require;

(k) That the construction contract will require the contractor to comply with the regulations of the Secretary of Labor made pursuant to the Anti-Kick-back Act of June 13, 1934, 40 U. S. C. 276 (c) and any amendments or modifications thereto, to cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and to be responsible for the submission of affidavits required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof;

(l) That the Applicant will demonstrate to the satisfaction of the Surgeon General his ability to pay the remaining cost of the project;

(m) That the Applicant has or will have prior to awarding of the construction contract, a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, as the Surgeon General finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project; and

(n) The Applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Surgeon General. *Provided*, That none of these Assurances except paragraphs (a) through (d) required under this section may be waived by the Surgeon General. Paragraphs (a) through (d) may be waived in whole or in part (and subject to such conditions as he deems necessary) if the Surgeon General finds that the purpose of such Assurance is fulfilled.

§ 55.27 *Determining the desirability of projects.* In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, the Surgeon General shall give consideration to the following:

(a) The relation of the estimated cost of the project, including operation and maintenance, to the public interest and to the necessity for the project;

(b) The propriety of Federal aid in construction of the project;

(c) The public benefits to be derived by the construction of the project;

(d) The related projects requiring completion before full benefit can be derived from the project for which the application is made and the degree to which the completion of the related projects in the near future is reasonably assured;

(e) The feasibility of utilizing available facilities; and

(f) The probability that the project will be constructed and put into operation within a reasonable time.

§ 55.28 *Criteria for considering propriety of Federal aid.* The propriety of Federal aid pursuant to section 6 (c) of the act will be determined by the Surgeon General on the basis of one or more of the following criteria:

(a) *Interstate, coastal and Great Lakes waters.* Whether the project is required to control pollution of interstate waters, coastal waters or waters of the Great Lakes (including tributaries of such waters contributing materially to the pollution of such waters) and such pollution is inimical to public water supplies propagation of fish and aquatic life and wildlife, recreational purposes, or agricultural, industrial, or other legitimate water uses.

(b) *International treaty obligations.* Whether the project is required to control pollution in meeting international treaty obligations or agreements.

(c) *Federal impact.* Whether the project involves a pollution problem substantially and adversely affected by (1) Federal installations contributing to the total municipal waste loadings; (2) a water use requirement involving national defense; (3) a Federal water resource development; or (4) an influx of population to carry out Federal activities.

(d) *Public health necessity.* Whether the project involves treatment works required to abate a serious public health hazard.

(e) *Financial burden.* Whether the municipality can demonstrate that the construction of needed sewage treatment works involves an extraordinary and excessive financial burden in relation to its economic resources.

§ 55.29 *Payments.* (a) Installment payments of the grant shall be made at the request of the Applicant, shall be based on the cost of the work performed, materials and equipment furnished, and services rendered in connection with an approved project, and shall be made as follows:

(1) A first installment when not less than 25 percent of the construction of the project is completed;

(2) A second installment when not less than 50 percent of the construction of the project is completed;

(3) A third installment when not less than 75 percent of the construction of the project is completed; and

(4) A fourth installment when the project is completed and final inspection by a representative of the Public Health Service is made.

(b) Upon written request and a showing of necessity by the Applicant, the Surgeon General may adopt a different schedule of payments.

(c) The total grant payments for any project shall not exceed the amount of the approved grant or 30 per centum of the actual reasonable cost thereof as determined by the Surgeon General at completion of construction of the treatment works, whichever is the smaller.

§ 55.30 *Expenditure of funds.* Amounts paid to an Applicant shall be expended solely for the carrying out of the purposes for which the grant was approved.

2. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: October 5, 1956.

[SEAL]

L. E. BURNES,  
Surgeon General.

Approved: November 2, 1956.

M. B. FOLSOM,  
Secretary.

[F. R. Doc. 56-9137; Filed, Nov. 7, 1956;  
8:55 a. m.]

## TITLE 46—SHIPPING

### Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

#### Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

#### PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

##### STATEMENT OF POLICY

Clarence G. Morse, Maritime Administrator, Department of Commerce, has announced that, effective November 5, 1956, all publicly announced policies of the Maritime Administration, as outlined in press releases of July 11, 1952, October 12, 1953, November 9, 1955, and January 23, 1956, governing applications filed pursuant to sections 9 and/or 37 of the Shipping Act, 1916, as amended, are terminated.

Effective simultaneously with the above termination, the following are hereby established as the general foreign transfer policy, terms and conditions of the Maritime Administration with respect to all vessels of 3,000 gross tons and over. The Maritime Administrator, however, reserves the right, without public notice, to modify or rescind any of the policy, terms or conditions listed if, in his judgment, circumstances warrant. Only those written approvals valid as of the effective date of this announcement will be honored strictly in accordance with their terms.

##### APPENDIX

#### I. TRANSFER OF U. S. PRIVATELY OWNED VESSELS TO FOREIGN OWNERSHIP AND/OR REGISTRY

A. *General conditions.* Each application will be considered on its individual merits on the basis of the type, size, speed, general condition and age of the vessel, acceptability of the foreign buyer and country of registry, and each will be evaluated from the standpoint of the need for retention of the vessel involved under the U. S. flag or U. S. ownership for purposes of (1) National Defense; (2) maintenance of an adequate American merchant marine; (3) foreign policy of the United States; and (4) the National interest.

No U. S. flag so-called "war-built" vessel, such as Liberty and Victory type dry cargoes, T-2 type tankers, will be approved for transfer to foreign ownership and registry unless the American owner thereof undertakes a replacement program (hereinafter referred to as "Trade-Out-and-Build"), except as to those American flag vessels which, by reason of a marine casualty, are abandoned to alien underwriters.

Over-age U. S. flag vessels (20 years of age and over, excepting those of special design or those vessels the useful life of which shall have been extended by jumboizing or mod-

ernization) shall be considered as obsolete and not needed to meet the commercial requirements of the American merchant marine. Transfer of over-age vessels may be approved for transfer to foreign ownership and registry without a replacement program, provided the vessel is not needed for purposes of National Defense.

B. "Trade-out-and-build" programs. Transfer to foreign ownership and/or registry of U. S. flag "war-built" vessels, such as the Liberty and Victory type (AP2's only) dry cargo vessels and T-2 type tankers will

be approved only if the United States owner thereof undertakes to replace the vessels to be transferred by the construction of a new vessel for U. S. flag documentation and operation, said vessel to be of size, type, design, speed and carrying capacity acceptable to the Maritime Administrator.

The number of U. S. flag vessels to be transferred foreign will be determined by the Maritime Administrator on a case-by-case basis, using wherever practicable "equivalent utility value," substantially in accord with the following formula:

New ship construction	Transfer Foreign
(1) One new vessel of 46,000 dwt or of a smaller size satisfactory to the Maritime Administrator.	Not exceeding: 2 U. S. flag T-2 type tankers; or 3 Victory type vessels (AP2's); or 4 U. S. flag Liberty dry cargo vessels.
(2) One new vessel in excess of 46,000 dwt.	Additional U. S. flag vessels (Liberty and Victory type (AP2's) dry cargo and T-2 types). For example: three T-2's for each new vessel of 65,000 dwt; four T-2's for new vessels of 100,000 dwt.

Note: Transfers to foreign ownership and/or registry of the above types of U. S. flag vessels will NOT be approved in conjunction with construction programs involving jumbolizing, modernization, or other types of conversion, of existing U. S. flag merchant ships.

Other criteria and conditions. The above formulas are not to be construed as a binding commitment upon the Maritime Administrator but, as stated, each "trade-out-and-build" application will be considered on its individual merits and upon the circumstances existing at the time of submission of each such application. Each applicant will be required to submit within three months of the date of approval in principle: (a) evidence of financial ability to undertake the new vessel construction; (b) evidence of citizenship; and (c) executed copies of the construction contract, together with plans and specifications. In addition, the requirement will be made that the construction contract for the new vessel may not be assigned to others without the prior approval of the Maritime Administrator and (unless prevented by causes determined by the Maritime Administrator to be reasonably beyond the control of applicant) that the new vessel shall be completed and documented under United States laws within 24 months of the date of the construction contract or such other time as may be approved by the Maritime Administrator.

The individual or corporation which applies for transfer of U. S. flag vessels to foreign ownership and registry, in conjunction with "trade-out-and-build" programs, and which commits itself to construct a new vessel is required to be the owner, or parent or U. S. subsidiary or related company of the owner, of U. S. flag vessel(s).

In the event the new vessel is not constructed and documented under United States laws by the applicant or any U. S. subsidiary or affiliate of the applicant within the time limit prescribed, said corporation and the principal U. S. citizen stockholders thereof, jointly and severally, shall pay to the United States, as liquidated damages and not as a penalty, for the new vessel agreed to be constructed which is not constructed, a sum which, at the time of formalization of the approval, shall represent the difference between the United States and foreign market values of the vessels which are transferred.

The owner of a vessel transferred to foreign registry and flag under the above "trade-out-and-build" program is to be either: (a) a United States citizen within the meaning of section 2 of the Shipping Act, 1916, as amended, or (b) a corporation organized under the laws of either the United States, Liberia, Panama or Honduras, all or a ma-

jority of the stock in which said corporation shall be owned by a citizen or citizens of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended. The registry and flag of the vessel transferred shall be either Liberian, Panamanian or Honduran.

The above "trade-out-and-build" policy does not preclude the availability of construction differential subsidy, Title XI mortgage insurance, accelerated amortization or other forms of government assistance, each to be considered on its merits and in accord with the laws and regulations on the subject.

C. Transfers to foreign ownership and/or registry (without vessel replacement).—(1) For operation. Under this category are "over-age" vessels as heretofore defined; vessels which are now under foreign registry and owned by U. S. citizens; or such vessels which, because of their small carrying capacity, type, size and condition, may be determined as not of an adequate type for retention under the United States flag (i. e., within the range of 3000 to 5000 gross tons). All applications involving vessels in these categories will be scrutinized on the basis of the individual merits of each and may be approved for transfer to foreign ownership and/or registry, provided determination is made that the vessel is not needed for retention under U. S. flag or United States ownership from the standpoint of National Defense; maintenance of an adequate merchant marine; foreign policy of the United States and National interest. There is no limitation as to the nationality of the foreign buyer or country of registry of vessels in this category, except that the foreign buyer and country of registry must be acceptable to the Maritime Administrator.

In this category also, would be those vessels which have been declared a constructive total loss because of a marine casualty and which have been abandoned to insurance underwriters, the majority or all of whom may be noncitizens of the United States. The Maritime Administration's approval is required before such vessels may be abandoned to alien underwriters. Such approval will not generally be withheld, provided evidence of a nature satisfactory to the Maritime Administrator of the asserted constructive total loss is submitted to the Maritime Administration and provided also the alien underwriters will not resell the vessel, either for operation or for scrapping, to other alien interests without the Maritime Administration's approval as to the foreign buyer.

(2) For scrapping. U. S. privately owned vessels which are considered unnecessary, because of obsolescence, for further United States flag operation will, in most cases, be approved for sale to foreign corporations for

scrapping abroad without restriction as to the nationality of the foreign buyer, if said buyer is acceptable to the Maritime Administrator.

## II. NEW SHIP CONSTRUCTION BY UNITED STATES SHIPYARD FOR FOREIGN FLAG OWNERSHIP AND/OR REGISTRY

During periods of National Emergency, United States shipyards are required to obtain the prior approval of the Maritime Administration before (a) entering into a contract to construct a vessel for a corporation which is not a citizen of the United States as defined in section 2 of the Shipping Act, 1916, as amended; (b) delivering the completed vessel to a foreign corporation; (c) documentation of the vessel under foreign registry, and (d) departure of the vessel from a United States port.

As a general rule, there will be no limitation as to the nationality of such corporation, nor as to the nationality of its stock ownership; other than to require that such foreign contractor must be acceptable to the Maritime Administrator.

## III. CONDITIONS OF APPROVAL OF TRANSFERS TO FOREIGN OWNERSHIP AND/OR REGISTRY

A. United States privately owned vessels of 3,000 gross tons and over, regardless of type or age. The following terms and conditions shall be applicable to all transactions requiring the Maritime Administration's approval, pursuant to sections 9 and/or 37 of the Shipping Act, 1916, as amended, of transfers to foreign ownership and/or registry, for operation, of all vessels of 3,000 gross tons and over, and shall be in effect for the remaining period of the 20-year life of the vessel, or for the duration of the National Emergency as proclaimed by the President on December 16, 1950, whichever is the longer period, EXCEPT as to those vessels the economic life of which may have been extended by reason of conversion or jumbolizing. (In the latter case the period will be extended another five years or such other period of time as may be approved by the Maritime Administrator.) The conditions are stated hereunder:

1. *Ownership.* Without the prior written approval of the Maritime Administration, there shall be neither transfer of ownership, nor change in the registry of the vessel transferred, nor shall there be any transfer of stock interest in the foreign corporate buyer to persons not citizens of the United States (within the meaning of section 2 of the Shipping Act, 1916, as amended), except such transfers of stock or change of ownership which result by reason of the death of any stockholder or owner. Notification of any change, occurring by reason of death, shall be filed with the Maritime Administration within 60 days of the date of the transfer of stock or change of ownership.

2. *Availability.* That the ship, whether owned by the foreign corporate buyer, or any subsequent transferee, shall, if requested by the United States or any qualified department or agency thereof, be sold or chartered to the United States on the same terms and conditions upon which a vessel owned by a citizen of the United States could be requisitioned for purchase or charter as provided in section 902, Merchant Marine Act, 1936, as amended, unless said vessel is lost or scrapped. However, if the transfer of flag is to a country that is a signator of the North Atlantic Pact (NATO), the Administrator will consider this condition satisfied if the vessel upon request is made available to a NATO country within the terms of the Pact.

3. *Trade.* That the vessel shall not engage in trade prohibited to U. S. flag vessels under Department of Commerce Transportation Orders T-1 and T-2, or any modification thereof, unless earlier terminated.

4. *Default.* In the event of default under conditions 1 or 2 or 3, the vessel approved

for transfer shall be subject to the penalties imposed for violation of conditions of approval as provided in section 41 of the Shipping Act, 1916, as amended (46 U. S. C. 839).

Pursuant to the provisions of section 38 of the Shipping Act, 1916, as amended (46 U. S. C. 836) the Maritime Administrator may mitigate any forfeiture. To secure the payment of the sum of money required for any such mitigation the foreign corporate buyer shall agree, in a contract in form satisfactory to the General Counsel, to the above prescribed conditions and shall agree to provide, and shall provide, a United States commercial surety bond in the principal amount of \$50,000 to \$250,000 depending on the vessel (in the case of foreign corporations owned or controlled by foreign citizens), or the agreement of the foreign corporate buyer and its principal U. S. citizen stockholders (if the foreign corporate buyer is owned or controlled by United States citizens) in like amount to secure the payment as aforesaid, or other security satisfactory to the Maritime Administrator; *Provided further*, That in the event of any mitigation of the forfeiture the foreign corporate buyer, as part of such mitigation, will enter into a new agreement containing substantially the same conditions as above covering the said vessel approved for transfer, for the remaining period of the original agreement.

**B. New ship construction for foreign flag ownership and/or registry.** The following conditions will be applicable to all approvals granted of applications involving the construction of new vessels in the United States for foreign flag ownership and/or registry. Such terms and conditions shall be effective only for the duration of the National Emergency as proclaimed by the President on December 16, 1950:

1. **Ownership.** Without the prior written approval of the Maritime Administration, there shall be neither transfer of ownership, nor change in the registry of the vessel transferred, nor shall there be any transfer of stock interest in the foreign corporate contractor to persons not citizens of the United States (within the meaning of Section 2 of the Shipping Act, 1916, as amended), except such transfers of stock or change of ownership which result by reason of the death of any stockholder or owner. Notification of any change, occurring by reason of death, shall be filed with the Maritime Administration within 60 days of the date of the transfer of stock or change of ownership.

2. **Availability.** That the ship, whether owned by the foreign corporate contractor, or any subsequent transferee, shall, if requested by the United States or any qualified department or agency thereof, be sold or chartered to the United States on the same terms and conditions upon which a vessel owned by a citizen of the United States could be requisitioned for purchase or charter as provided in section 902, Merchant Marine Act, 1936, as amended, unless said vessel is lost or scrapped. However, if the transfer of flag is to a country that is a signator of the North Atlantic Pact (NATO), the Administrator will consider this condition satisfied if the vessel upon request is made available to a NATO country within the terms of the Pact.

3. **Trade.** That the vessel shall not engage in trade prohibited to U. S. flag vessels under Department of Commerce Transportation Orders T-1 and T-2, or any modification thereof, unless earlier terminated.

4. **Default.** In the event of default under conditions 1 or 2, the vessel approved for transfer shall be subject to the penalties imposed for violation of conditions of approval as provided in section 41 of the Shipping Act, 1916, as amended (46 U. S. C. 839).

Pursuant to the provisions of section 38 of the Shipping Act, 1916, as amended (46 U. S. C. 836) the Maritime Administrator may

mitigate any forfeiture. To secure the payment of the sum of money required for any such mitigation the foreign corporate contractor shall agree, in a contract in form satisfactory to the General Counsel, to the above prescribed conditions and shall agree to provide, and shall provide, a United States commercial surety bond in the principal amount of \$50,000 to \$250,000 depending on the vessel (in the case of foreign corporations owned or controlled by foreign citizens), or the agreement of the foreign corporate contractor and its principal U. S. citizen stockholders (if the foreign corporate contractor is owned or controlled by U. S. citizens) in like amount to secure the payment as aforesaid, or other security satisfactory to the Maritime Administrator; *Provided further*, that in the event of any mitigation of the forfeiture the foreign corporate contractor, as part of such mitigation, will enter into a new agreement containing substantially the same conditions as above covering the said vessel approved for transfer, for the remaining period of the original agreement.

**C. Sales to aliens for scrapping abroad.** The following terms and conditions shall apply to United States privately owned vessels of 3,000 gross tons and over which are sold to foreign buyers for scrapping abroad:

1. **Time within which to be scrapped.** Within a period of 18 months from the date of approval (of the sale), the hull of said vessel shall be completely scrapped, dismantled, dismembered, or destroyed in such manner and to such extent as to prevent the further use thereof, or any part thereof, as a vessel, barge, steamship or any other means of transportation whatsoever;

2. **Ownership and distribution of scrap material.** Neither said vessel nor any interest therein shall be sold to nationals of, or to any person (not a citizen of the United States) residing in Soviet Union, Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, or Communist China; nor shall the scrap resulting from the demolition of the hull of the ship, or the engines, machinery or major items of equipment, be sold to, or utilized by, any such person, or be exported to destinations in any of such countries; nor shall the engines, machinery or major items of equipment be exported to destinations within the United States;

3. **Default.** In the event of any default under 1 and/or 2 above, to pay to the Maritime Administration, Department of Commerce, without prejudice to any other rights which the United States may have, as liquidated damages and not as a penalty, the sum of \$\_\_\_\_\_ (not less than \$25,000, depending upon the size, type, etc. of the vessel involved), said payment to be secured by a surety company bond or other surety satisfactory to the Maritime Administration;

4. **Evidence of scrapping and destination of scrap materials.** As proof of the ultimate scrapping of the vessel (hull only) and disposal or utilization of the resultant scrap, the engines, machinery and major items of equipment in the manner above set forth, if and when effected, there shall be filed with the Maritime Administration a Certificate or other evidence satisfactory to its General Counsel, duly attested and authenticated by a United States Consul.

All contracts and/or forms of surety thereunder, embracing the above conditions, shall be in all respects satisfactory to the Maritime Administration.

Dated: November 5, 1956.

[SEAL] CLARENCE G. MORSE,  
Maritime Administrator

[F. R. Doc. 56-9131; Filed, Nov. 6, 1956; 1:12 p. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND B TELEPHONE COMPANIES

#### PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

##### CERTAIN EDITORIAL CHANGES

The Commission having under consideration the desirability of making certain editorial changes in Appendix A to Parts 31 and 33 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature in that they involve merely the publication in the FEDERAL REGISTER of interpretations made by the Chief Accountant pursuant to authority delegated to him by the Commission, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments are already in effect; and

It further appearing that the amendments republished herein are issued pursuant to authority contained in sections 4 (i) and 220 of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 5th day of November 1956, that, effective November 8, 1956, Appendix A to Parts 31 and 33 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply Sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

Released: November 5, 1956.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

I. Part 31, Appendix A, is amended as follows:

1. Cancel Case 18 and substitute Case 18-R-1 as follows:

Case 18-R-1 (Cancels Case 18)

FEBRUARY 14, 1952.

Question: Under arrangements with another party, sometimes the United States Government, a telephone company agrees, or is obliged, to remove, relocate, rearrange, reroute, or otherwise make changes in telephone property, other than for the purpose of rendering telephone service to the other party, for which the company is reimbursed for all or a portion of the costs incurred. What is the proper accounting for such property changes and the reimbursements received from the other parties?

Answer: The cost of plant retirements should be accounted for in accordance with the rules applicable thereto. The cost of new plant should be included in the appropriate plant accounts at actual cost of construction. The reimbursement received shall be accounted for (a) by crediting operation and maintenance expenses to the extent of actual expenses occasioned by the plant

changes and (b) by crediting the remainder to the reserve for depreciation, unless contractual terms definitely characterize residual or specific amounts as applicable to the cost of replacement. In the latter event, appropriate credits should be entered in the plant accounts.

2. Insert Cases 24-R-1 and 25 as follows:

*Case 24-R-1 (Cancels Case 24)*

NOVEMBER 28, 1952.

STATEMENT OF FACTS

Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations includes the following instruction in § 31.01-5, *Delayed items*:

(b) If the amount of any delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort those accounts, the company shall distribute to earned surplus so much of the amount as affects the operations of prior years. The company shall file with this Commission the full particulars concerning each such item, including the accounts and years which would have been affected had the item not been delayed.

Question: What is the intent as to the time and manner of filing the required information concerning delayed items?

Answer: Full particulars concerning each delayed item should be shown in the appropriate schedule of Annual Report Form M in the manner prescribed therein.

• Case 25

STATEMENT OF FACTS

OCTOBER 18, 1955.

Two telephone companies operate adjoining exchanges. An agreement between the companies is reached whereby the subscribers in an area which includes one or more exchanges of each company are given extended area service whereby all subscribers in the area have a service which permits local calls to any other subscriber of either company in that area. Each company bills its own customers in accordance with its own tariff. In certain situations, the expenses incurred by one of the companies in rendering the extended area service may be disproportionate due to differences in the amount of facilities furnished or operating functions performed in connection with the service. In such cases, payments to the one company by the other may be agreed upon as an adjustment therefor. The amount of such payments may be determined in various ways but is usually based on the relative facilities furnished by each company, the labor and other services performed by each, the number of customers in the exchange of each company, or a combination of those bases. However, in some cases the payments are intended to cover a variety of costs, e. g., operating service, maintenance on plant, supervision, related social security taxes, relief and pensions, depreciation, house service, return on investment, etc.

Question: What is the proper accounting for the amounts billed to its customers by each company and for the payments by one company to another under arrangements for rendering extended area service?

Answer: The amounts billed by each company to its customers shall be credited by it

to account 500, "Subscribers station revenues," (account 3010, "Local service revenues," for Class C companies). The company receiving the payments from another company shall credit the amounts received to for Class C companies). However, where the account 506, "Other local service revenues," (account 3010, "Local service revenues," for Class C companies). The company making the payment shall charge the amount of the payments to account 675, "Other expenses," (account 4190, "Other operation expenses," agreement between the companies specifically provides for a division of revenues, the accounting shall be on that basis.

II. Part 33, Appendix A, is amended as follows:

1. Cancel Case 18 and substitute Case 18-R-1 as follows:

*Case 18-R-1 (Cancels Case 18)*

FEBRUARY 14, 1952.

Question: Under arrangements with another party, sometimes the United States Government, a telephone company agrees, or is obliged, to remove, relocate, rearrange, re-route, or otherwise make changes in telephone property, other than for the purpose of rendering telephone service to the other party, for which the company is reimbursed for all or a portion of the costs incurred. What is the proper accounting for such property changes and the reimbursements received from the other parties?

Answer: The cost of plant retirements should be accounted for in accordance with the rules applicable thereto. The cost of new plant should be included in the appropriate plant accounts at actual cost of construction. The reimbursement received shall be accounted for (a) by crediting operation and maintenance expenses to the extent of actual expenses occasioned by the plant changes and (b) by crediting the remainder to the reserve for depreciation, unless contractual terms definitely characterize residual or specific amounts as applicable to the cost of replacement. In the latter event, appropriate credits should be entered in the plant accounts.

2. Insert Cases 24-R-1 and 25 as follows:

*Case 24-R-1 (Cancels Case 24)*

NOVEMBER 28, 1952.

STATEMENT OF FACTS

Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations includes the following instruction in § 31.01-5, *Delayed items*:

(b) If the amount of any delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort those accounts, the company shall distribute to earned surplus so much of the amount as affects the operations of prior years. The company shall file with this Commission the full particulars concerning each such item, including the accounts and years which would have been affected had the item not been delayed.

Question: What is the intent as to the time and manner of filing the required information concerning delayed items?

Answer: Full particulars concerning each delayed item should be shown in the ap-

propriate schedule of Annual Report Form M in the manner prescribed therein.

Case 25

OCTOBER 18, 1955.

STATEMENT OF FACTS

Two telephone companies operate adjoining exchanges. An agreement between the companies is reached whereby the subscribers in an area which includes one or more exchanges of each company are given extended area service whereby all subscribers in the area have a service which permits local calls to any other subscriber of either company in that area. Each company bills its own customers in accordance with its own tariff. In certain situations, the expenses incurred by one of the companies in rendering the extended area service may be disproportionate due to differences in the amount of facilities furnished or operating functions performed in connection with the service. In such cases, payments to the one company by the other may be agreed upon as an adjustment therefor. The amount of such payments may be determined in various ways but is usually based on the relative facilities furnished by each company, the labor and other services performed by each, the number of customers in the exchange of each company, or a combination of those bases. However, in some cases the payments are intended to cover a variety of costs, e. g., operating service, maintenance on plant, supervision, related social security taxes, relief and pensions, depreciation, house service, return on investment, etc.

Question: What is the proper accounting for the amounts billed to its customers by each company and for the payments by one company to another under arrangements for rendering extended area service?

Answer: The amounts billed by each company to its customers shall be credited by it to account 500, "Subscribers station revenues," (account 3010, "Local service revenues," for Class C companies). The company receiving the payments from another company shall credit the amounts received to account 506, "Other local service revenues," (account 3010, "Local service revenues," for Class C companies). The company making the payment shall charge the amount of the payments to account 675, "Other expenses," (account 4190, "Other operation expenses," for Class C companies). However, where the agreement between the companies specifically provides for a division of revenues, the accounting shall be on that basis.

[F. R. Doc. 56-9149; Filed, Nov. 7, 1956; 8:57 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

Correction

In the first cross reference appearing on page 8396 of the FEDERAL REGISTER of November 2, 1956, "§ 17.5" in the second line should be changed to read "§ 17.7."

The second cross reference pertaining to the tabulation in § 17.8 should be deleted.

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [ 7 CFR Part 994 ]

#### PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

#### NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO ADMINISTRATIVE RULES AND REGULATIONS

Notice is hereby given that the Department is considering the issuance of administrative rules and regulations herein set forth, pursuant to the provisions of Marketing Agreement No. 111 and Order, No. 94 regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR Part 994) effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

The Pecan Administrative Committee, the administrative agency for the agreement and order, at its meeting on October 10, 1956, recommended that the Department issue the Administrative Rules and Regulations, herein proposed.

Interested persons who desire to submit written data, views, or arguments, for consideration in connection with the proposals should file them with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than the close of business on the thirtieth day after publication of this notice in the FEDERAL REGISTER.

The pecan marketing order was issued in recodified form and published in the FEDERAL REGISTER on October 6, 1955. The administrative rules and regulations herein proposed contain references to various sections as renumbered in the recodified document and are as follows:

#### SUBPART—ADMINISTRATIVE RULES AND REGULATIONS

#### ELECTION OF NOMINEES TO PECAN ADMINISTRATIVE COMMITTEE AND HANDLERS ADVISORY COUNCIL

Sec.  
994.433 Nomination elections.

#### ASSESSMENTS AND REFUNDS

994.462 Time of payment of assessments.  
994.464 Time of refunds.

#### INSPECTION

994.475 Inspection.

#### EXEMPTIONS

994.476 Quantity exemption.  
994.477 Pecans for shelling or processing outside the production area.

#### BOOKS AND RECORDS

994.480 Information to be shown in handlers records.  
994.481 Reports of shipments by handlers.

AUTHORITY: §§ 994.433 to 994.481 issued pursuant to sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 994.433 *Nomination elections.* In addition to the procedure prescribed in

§§ 994.33 and 994.48, the Secretary, through his authorized representative, shall, at least 15 days before the nomination election for a particular district is to be held, mail to each grower of record in that district or to each handler of record in that district, as the case may be, notice of the time and place of the nomination meeting and a ballot form for the use of such grower or handler in voting by mail in the event he elects not to attend the meeting and cast his ballot personally. In giving adequate notice of each such meeting to growers and handlers in the respective districts, as required in §§ 994.33 and 994.48, the Secretary shall include information as to where ballot forms may be obtained. Such ballot forms shall provide separately for voting for each position to be filled and shall contain a blank space in which the voter may indicate his choice for that position. Each mail ballot shall be accompanied by a return addressed envelope. Ballots signed by voters in the particular district, in which the election is being held, and received by the representative of the Secretary prior to the counting of the votes at any meeting will be considered the same as ballots which are cast personally at the meeting. The person receiving the highest number of votes for any position shall be the nominee.

#### ASSESSMENTS AND REFUNDS

§ 994.462 *Time of payment of assessments.* Each handler shall pay assessments due the Committee promptly upon request by the Committee. Such requests may be made weekly, or in the case of handlers with no fixed place of business in the area or for other reasons, requests may be made at the time of inspection.

§ 994.464 *Time of refunds:* The Committee shall determine the amount of any excess assessments due each handler and shall notify him of the amount credited to his account within three months after the close of each fiscal period. After such notification any handler may request a refund of the net amount due him at the time of such request. Amounts which are due handlers as refunds for a fiscal period and which, after reasonable effort by the Committee have not been distributed, or have not been used in paying assessments for the next fiscal period shall, after one year following the end of the fiscal period for which such assessment funds were collected, be transferred to current receipts as "miscellaneous income". *Provided,* That if any person to whom such a refund is due requests the Committee for same, it shall be paid to him out of such current receipts.

#### INSPECTION

§ 994.475 *Inspection—(a) Procedure.* Each handler who desires to have pecans inspected as required in § 994.75, shall communicate with the Federal-State or Federal Inspection Service and have such

inspection made and a certificate issued, at his own expense. If a handler is unable to locate an inspector, the Pecan Administrative Committee, Albany, Georgia, shall at his request furnish any assistance practicable in locating one.

(b) *Seals and stamps.* The Pecan Administrative Committee shall furnish to the inspection agency all necessary seals and stamps and shall keep records containing adequate information as to the serial numbers of all seals and stamps issued to the inspection agency. The Committee shall arrange with the inspection agency to keep records of the serial numbers of seals distributed to individual inspectors and to record on each inspection certificate the series range and the number of seals used on the pecans covered by such certificate.

#### EXEMPTIONS

§ 994.476 *Quantity exemption.* Except pecans handled in accordance with provisions of § 994.477, the total quantity of unshelled pecans which may be handled by any handler to any one person during any one day exempt from inspection and certification, and assessment, is 105 pounds.

§ 994.477 *Pecans for shelling or processing outside the production area—(a) General.* The Committee shall authorize shipments of unshelled pecans for shelling or processing outside the area, without regard to grade and size regulations and without regard to inspection and certification requirements, only to shellers, processors, or broker-distributors, who sign an agreement with the Committee insuring that all receipts of such pecans will be disposed of in accordance with the Committee requirements and who agree to make specified reports required by the Committee pertaining to such receipts and to meet the Committee's requirements in other respects.

(b) *Authorized shellers, processors, or broker-distributors.* The Pecan Administrative Committee shall mail or deliver to all shellers, processors, and broker-distributors outside the production area who are known to be interested in receiving unshelled pecans from the area, an agreement form (P. A. C. Form 2) to shellers and processors, and an agreement form (P. A. C. Form 3) to broker-distributors. To be approved to receive uninspected pecans, shellers and processors shall have adequate facilities for shelling or processing pecans, and by executing the applicable agreement must: (1) agree to maintain accurate records in regard to pecans received from the area; (2) make their records and plant facilities available to the Committee or the Secretary of Agriculture for inspection; (3) submit such reports of receipts and disposition of such pecans to the Committee as it requires; and (4) to comply with all Committee requirements which affect them. Similar requirements for eligibility shall apply to broker-distributors, except that instead of having adequate facilities for shelling



or processing pecans, they must be engaged in, or about to become engaged in, the business of distributing pecans. Each such sheller, processor, or broker-distributor who enters into the required agreement with the Committee shall be notified by the Committee that he has been approved as an authorized receiver of uninspected pecans shipped from the area, and shall be assigned an agreement number by the Committee; *Provided*, That the Committee may refuse to approve as an authorized receiver of uninspected pecans any person whom it appears may not reasonably be expected to comply with the aforementioned requirements. Such approval may be terminated at any time by the Committee for good cause.

(c) *Instructions to handlers.* The Committee shall furnish all known handlers in the area a list of shellers, processors, and broker-distributors outside the area who have been authorized by the Committee to receive uninspected pecans shipped from the area, together with the agreement number assigned to each such receiver by the Committee, and shall keep handlers currently informed of any deletions or additions to the list of approved receivers. The Committee shall also furnish or make available to handlers desiring to make shipments of uninspected pecans to points outside the area a supply of P. A. C. Form 1, each consisting of an original, one pink copy, and three yellow copies. Promptly upon each shipment, the handler shall complete and mail or deliver the original of such form to the Committee and mail or deliver the three yellow copies so completed to the person outside the area to whom the pecans are shipped. P. A. C. Form 1 shall show the name and address of the shipper, quantity, type of pecans, date of shipment, number and type of containers, shipping point, car initials and numbers, or truck license number, name and address of person to whom the shipment is made, and such receiver's agreement number assigned by the Committee. Except as authorized pursuant to § 994.76, no person shall ship or cause to be shipped unshelled pecans, which have not been inspected and certified as meeting order requirements, to any person outside the area who has not been authorized by the Committee to receive such pecans.

(d) *Instructions to shellers, processors, and broker-distributors.* Anyone receiving uninspected pecans shipped outside the five-State area shall, within three days after receipt of shipment, report to the Committee using the first yellow copy of P. A. C. Form 1 pertaining to such shipment. If any such pecans are distributed as unshelled pecans, they must be inspected and certified as meeting the then applicable grade and size requirements and a copy of the certificate and the assessment applicable to such quantity must be sent or delivered to the Committee. Promptly after shelling, or inspection and certification for inshell sale, a report of disposition shall be made to the Committee using the second yellow copy of P. A. C. Form 1. The third copy shall be retained in the files of the sheller or processor. In the

event that a broker-distributor or a sheller or processor resells uninspected pecans received from the five-State area under a P. A. C. Form 1, he shall execute a new P. A. C. Form 1 in the manner described in paragraph (c) of this section and shall show on such new form the serial number of the P. A. C. Form 1 under which the shipment was received from the area. The Committee shall make a supply of forms available to persons outside the area for such use.

#### BOOKS AND RECORDS

§ 994.480 *Information to be shown in handlers records.* Each handler shall maintain records showing the following information with respect to his shipments outside the five-State area: (1) quantity shipped, (2) variety or type, (3) date of shipment, (4) receiver or destination, and (5) inspection certificate number or P. A. C. Form 1 number.

§ 994.481 *Reports of shipments by handlers.* Information required under § 994.81 (a) (other than shipments under P. A. C. Form 1) may be furnished in a daily report or in the form of a copy of the Inspection Certificate covering such pecans or a copy of the handlers invoice covering the shipment of such pecans.

It is also contemplated, that existing §§ 994.201, and 994.401 (7 CFR 994.201, and 994.401) which set forth requirements regarding nomination elections and exemptions will be superseded since requirements in those regards will be contained in the administrative rules and regulations which are proposed to be adopted.

Dated: November 5, 1956.

[SEAL]

S. R. SMITH,  
Director,

Fruit and Vegetable Division.

[F. R. Doc. 56-9152; Filed, Nov. 7, 1956;  
8:57 a. m.]

## DEPARTMENT OF LABOR

Office of the Secretary

[ 41 CFR Part 202 ]

### FLOUR AND RELATED PRODUCTS INDUSTRY

#### PREVAILING MINIMUM WAGES

This matter is before the Department pursuant to the act of June 20, 1936 (49 Stat. 2036; 41 U. S. C. sec. 35 et seq.), known as the Walsh-Healey Public Contracts Act.

The flour and related products industry, for the purpose of this hearing, is defined as the milling of flour or meal from grain and the blending or other preparation of flour and dry flour mixes. Examples of products of the industry are flours made from wheat (white, durum, granular, wholewheat), rye, buckwheat, and corn, including blended, phosphated, bromated, self-rising, and other prepared flour and dry flour mixes; semolina and farina; cornmeal; corn grits, hominy, and flakes; and offals. The definition of this industry does not include flour and other products manufactured from rice, soybeans, and pota-

toes; those cereal preparations of the type generally called breakfast foods (except corn grits and hominy) baby foods, and coffee substitutes; and dry and prepared animal feeds, (except offals which are included)

Now, therefore, notice is hereby given that a public hearing will be held on the 5th day of December 1956, beginning at 10 a. m. in Room 1214, United States Department of Labor Building, Fourteenth and Constitution Avenue, NW., Washington, D. C., before the Secretary of Labor or a duly assigned Hearing Examiner, at which hearing all interested parties may appear and submit data, views and arguments (1) as to the propriety of the proposed definition of the industry (2) as to what are the prevailing minimum wages in the industry (3) as to whether a single determination is appropriate for all the products of the industry (4) as to whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry (5) as to whether there should be included in any determination for this industry provision for the employment of learners, probationary workers, beginners or apprentices at subminimum rates and on what terms or limitations, if any, such employment should be permitted. Employment, wage, and Government procurement data have been prepared in the Department of Labor for consideration at the hearing and will be made available to interested parties upon request.

Persons intending to appear are requested to notify the Administrator of the Wage and Hour and Public Contracts Divisions, of their intention in advance of the hearing.

Written statements of position or argument may be filed with the Administrator at any time prior to the date of the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statements as contain factual matter shall be sworn to and will be offered in evidence at the hearing. If objection is made to any such offer, the statement will be received in evidence subject to the objection which will be considered to affect the weight rather than the admissibility of the statement.

The following information is particularly invited with respect to the subject matter of the testimony or statements of each witness: (1) The identity of any product not now included in the definition of the industry which should be included and of any products now included which should not be included; (2) the number of workers covered in the presentation; (3) the number and location of establishments in the industry (4) the minimum rates paid and the number of workers receiving such rates and the occupations in which they are employed; (5) the minimum wages paid to apprentices, learners, probationary workers, or beginners; the scale of wages paid during the apprenticeship, learning or probationary period; the length

of such periods; the number of workers receiving such wages and the occupations in which they are employed; and (6) the extent to which there is competition in this industry between plants in different geographical areas.

To the extent possible, data should be submitted in such manner as to permit evaluation thereof on a plant by plant basis.

This hearing shall be conducted pursuant to the rules of practice set forth in Part 203, Subpart C (41 CFR Part 203)

Signed at Washington, D. C., this 3d day of November 1956.

JAMES P. MITCHELL,  
Secretary of Labor

[F. R. Doc. 56-9151; Filed, Nov. 7, 1956; 8:57 a. m.]

## ATOMIC ENERGY COMMISSION

### [ 10 CFR Part 2 ]

#### RULES OF PRACTICE

##### NOTICE OF PROPOSED RULE MAKING

The following proposed rules are designed to carry out the Commission's responsibility under section 181 of the Atomic Energy Act of 1954 (68 Stat. 953) to provide "such parallel procedures as will effectively safeguard and prevent disclosure of Restricted Data \* \* \* to unauthorized persons with minimum impairment of the procedural rights which would be available if Restricted Data \* \* \* were not involved." Discharge of this responsibility requires the framing of novel procedures; and a delicate balancing of the need to provide adequate protection for Restricted Data in relation to the importance of providing access for parties and the public to the records of administrative proceedings before the Commission and information relating thereto.

Because there may be a need in pending proceedings for rules dealing with the subjects covered by these proposed regulations it is anticipated that rules establishing "parallel procedures" will be put into effect shortly after expiration of the 15-day period of notice provided herein. The Commission will, however, continue its study of the problems involved in the rules with a view to making such further changes as may from time to time appear to be desirable. In addition to submitting comments within the 15 days after publication of this notice, members of the bar and others are invited also to subject these rules and the manner of their administration to extended study and to submit any further comments and suggestions they may have to the Commission.

Notice is hereby given that adoption of the following amendments to Part 2, 10 CFR is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendments should send them to the U. S. Atomic Energy Commission, Washington 25, D. C., Attention: General Counsel, within 15 days after publication of this notice in the FEDERAL REGISTER.

1. The following paragraph is added to § 2.790:

(d) Matters of official record in any proceedings subject to this part, which are classified as Restricted Data and are within a category specified in Appendix "A" Part 25 of the regulations, in this chapter, will be made available for inspection by access permittees in accordance with the regulations in Parts 25 and 95 of this chapter.

2. The following subpart is added:

#### SUBPART H—SPECIAL PROCEDURES APPLICABLE TO ADJUDICATORY PROCEEDINGS INVOLVING RESTRICTED DATA

Sec.	Purpose.
2.800	Purpose.
2.801	Scope.
2.802	Definitions.
2.803	Protection of Restricted Data in proceedings under this subpart.
2.804	Classification assistance.
2.805	Access to Restricted Data for parties—security clearances.
2.806	Obligations of parties to avoid introduction of Restricted Data.
2.807	Notice of intent to introduce Restricted Data.
2.808	Contents of notice of intent to introduce Restricted Data.
2.809	Rearrangement or suspension of proceedings.
2.810	Unclassified statements required.
2.811	Admissibility of Restricted Data.
2.812	Weight to be attached to classified evidence.
2.813	Review of Restricted Data received in evidence.
2.814	Access under Part 25 of this chapter not affected.

**AUTHORITY:** §§ 2.800 to 2.814 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201, and sec. 181, 68 Stat. 953; 42 U. S. C. 2231. For the purposes of sec. 223, 68 Stat. 958; 42 U. S. C. 2273. §§ 2.803, 2.805 (g) and 2.805 (h) issued under sec. 1611, 68 Stat. 948, 42 U. S. C. 2201.

§ 2.800 *Purpose.* The regulations in this subpart are issued pursuant to section 181 of the Atomic Energy Act of 1954 (68 Stat. 919) to provide such parallel procedures in adjudicatory proceedings subject to this part as will effectively safeguard and prevent disclosure of Restricted Data to persons not authorized to receive it, with minimum impairment of the procedural rights which would otherwise be available to the parties if such information were not involved.<sup>1</sup>

§ 2.801 *Scope.* The provisions of this subpart apply to all proceedings under this part involving adjudication as that term is used in the Administrative Procedure Act, except that §§ 2.807 to 2.813, inclusive, apply to such proceedings only upon the service of a notice of hearing pursuant to § 2.735.

§ 2.802 *Definitions.* As used in this subpart,

(a) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or

other establishment in the executive branch of the Government;

(b) "Interested party" means a party having an interest in the issue or issues to which particular Restricted Data is relevant. Normally the interest of a party in an issue may be determined by examination of the notice of hearing, the answers and replies;

(c) The phrase "introduced into a proceeding" refers to the introduction or incorporation of testimony or documentary matter into any part of the official record of a proceeding subject to this subpart;

(d) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing;

(e) "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142.

§ 2.803 *Protection of Restricted Data in proceedings under this subpart.* Restricted Data which becomes involved in any proceeding subject to this subpart shall be safeguarded in accordance with all applicable provisions of laws of the United States and rules, regulations or orders of any Government agency.

§ 2.804 *Classification assistance.* Upon request of any party or of the presiding officer, AEC will designate a representative to advise and assist the presiding officer and the parties with respect to security classification of information and the safeguards to be observed.

§ 2.805 *Access to Restricted Data for parties—Security clearances—(a) Access to Restricted Data introduced into proceedings.* (1) Restricted Data which is within a category specified in Appendix "A", Part 25 of the regulations in this chapter, and which is introduced into a proceeding subject to this subpart, will be made available to any party to the proceeding who has an appropriate security clearance, to appropriately cleared counsel for a party, and to such other appropriately cleared individuals (including employees of a party) as a party intends to use in connection with the preparation or presentation of his case.

(2) Other Restricted Data introduced into a proceeding subject to this subpart will be made available to any interested party having an appropriate security clearance; to appropriately cleared counsel for an interested party; and to such additional appropriately cleared persons (including employees of a party) as the AEC or the presiding officer determines are needed by such interested party for adequate preparation or presentation of his case. Where the interest of the party will not be prejudiced, action upon an application for access under

<sup>1</sup>Parallel procedures applicable to classified information other than Restricted Data are under consideration.

this subparagraph may be postponed until after a notice of hearing, answers and replies have been served pursuant to §§ 2.735 to 2.737, inclusive.

(3) Any party desiring access to Restricted Data introduced into the record of a proceeding subject to this subpart should submit an application for order granting access pursuant to this section.

(b) *Access to Restricted Data not introduced into proceedings.* (1) Upon application showing that access to Restricted Data may be required for the preparation of a party's case, and except as provided in paragraph (h) of this section, the AEC (or the presiding officer if one has been appointed) will issue an order granting access to such Restricted Data to the party upon his obtaining an appropriate security clearance, to appropriately cleared counsel for the party and to such other appropriately cleared individuals as may be needed by the party for the preparation of his case.

(2) Where the interest of the party applying for access will not be prejudiced, the AEC or presiding officer may postpone action upon an application pursuant to this paragraph until after a notice of hearing, answers and replies have been served pursuant to §§ 2.735 to 2.737.

(c) The AEC will process requests for appropriate security clearances in reasonable numbers pursuant to this section. No charge will be made by the AEC for costs of security clearance pursuant to this section.

(d) The presiding officer may certify to the Commission for its consideration and determination any questions relating to access to Restricted Data arising under this section. Notwithstanding the provisions of § 2.748, any party affected by a determination or order of the AEC or the presiding officer under this section respecting access to or the safeguarding of Restricted Data, may appeal forthwith to the Commission from such determination or order. The filing by AEC of an appeal from an order of a presiding officer granting access to Restricted Data shall stay such order pending determination of such appeal by the Commission.

(e) Applications under this section for orders granting access to Restricted Data within a category specified in Appendix "A" Part 25 of this chapter, will normally be acted upon by the presiding officer, if one has been appointed, or by the General Manager. Applications for orders granting access to Restricted Data which is not within such a category will be acted upon by the Commission.

(f) To the extent practicable, each application for order granting access under this section shall describe the subjects of Restricted Data to which access is desired and the level of classification (e. g. confidential, secret) of such information; the reasons why access to such information is requested; the names of individuals for whom clearances are requested; and the reasons why security clearances will be requested for such individuals.

(g) Upon the conclusion of a proceeding, the AEC will terminate all orders issued in the proceeding for

access to Restricted Data and all security clearances granted pursuant to such orders; and may issue such orders requiring the disposal of classified matter received pursuant to such access orders or requiring the observance of other procedures to safeguard such classified matter as it deems necessary to protect Restricted Data.

(h) There may be incorporated in any order issued pursuant to this section such requirements, conditions and limitations as are deemed necessary to protect Restricted Data.

(i) The Commission may refuse to grant access to Restricted Data which is not within a category specified in Appendix "A" to Part 25 of this chapter upon a determination that the granting of such access will be inimical to the common defense and security.

NOTE. Procedures for granting security clearances are not contained in this part. Criteria, procedures and methods for resolving questions concerning the eligibility of an individual for security clearance are contained in Part 4 of this chapter.

§ 2.806 *Obligation of parties to avoid introduction of Restricted Data.* It shall be the obligation of all parties in a proceeding subject to this subpart to avoid, insofar as is practicable, the introduction of Restricted Data into the proceeding. This obligation shall rest upon each party whether or not all other parties have appropriate security clearances.

§ 2.807 *Notice of intent to introduce Restricted Data.* (a) If, at the time of service of a notice of formal hearing pursuant to § 2.735, it appears to the AEC that it will be impracticable for the AEC to avoid the introduction of Restricted Data into the proceeding, the AEC will include in the notice of hearing a notice of intent to introduce Restricted Data.

(b) If, at the time of service of an answer pursuant to § 2.736, it appears to the party serving the answer that it will be impracticable for the party to avoid the introduction of Restricted Data into the proceeding, the party shall include in the answer a notice of intent to introduce Restricted Data into the proceeding.

(c) If, at any later stage of a proceeding subject to this subpart, it appears to any party that it will be impracticable for the party to avoid the introduction of Restricted Data into the proceeding, the party shall give prompt notice of intent to introduce Restricted Data into the proceeding.

(d) Restricted Data shall not be introduced into a proceeding after the service of a notice of hearing unless a notice of intent has been served and filed in accordance with § 2.808 except that in the discretion of the presiding officer Restricted Data may be introduced without the service and filing of such notice where it is clear that no party will be prejudiced by such introduction.

§ 2.808 *Contents of notice of intent to introduce Restricted Data.* (a) A notice of intent to introduce Restricted Data shall be filed with the AEC and copies served upon all parties to the proceeding. Such notice shall be unclassified and, to

the extent consistent with classification requirements, shall contain the following information:

(1) The subject matter of the Restricted Data which it is anticipated will be involved;

(2) The level of classification of such information (e. g., confidential, secret)

(3) The stage of the proceeding at which he anticipates a need to introduce such information; and

(4) The relevance and materiality of such information.

(b) In the discretion of the presiding officer, such notice, when required by § 2.807 (c), may be given orally.

§ 2.809 *Rearrangement or suspension of proceedings.* In any proceeding where a party gives notice of intent to introduce Restricted Data, and the presiding officer determines that any other interested party does not have appropriate security clearances, the presiding officer may in his discretion:

(a) Rearrange the normal order of the proceeding in such a manner as to give such interested parties opportunity to obtain appropriate security clearances with minimum delay in completion of the proceeding; or

(b) Suspend the proceeding or any portion thereof until all interested parties have had opportunity to obtain appropriate security clearances: *Provided*, That no proceeding shall be suspended for such reason for more than 100 days except with the consent of all parties or upon a determination by the presiding officer that further suspension of the proceeding would not be contrary to the public interest; or

(c) Take such other action as he determines to be appropriate.

§ 2.810 *Unclassified statements required.* (a) Whenever Restricted Data is offered in evidence at a formal hearing, the party offering such information shall submit to the presiding officer and to all parties to the proceeding an unclassified statement setting forth the information contained in the classified matter as accurately and completely as possible.

(b) In accordance with such procedures as may be agreed upon between the parties or prescribed by the presiding officer, and after notice to all parties and opportunity to be heard thereon, the presiding officer shall determine whether the unclassified statement or any portion thereof, together with any appropriate modifications suggested by any party, may be substituted for the classified matter or any portion thereof without prejudice to the interest of any party or to the public interest.

(c) If the presiding officer determines that the unclassified statement, together with such unclassified modifications as he finds are necessary or appropriate to protect the interest of other parties and the public interest, adequately sets forth the relevant and material information contained in the classified matter, he shall direct that the classified matter be excluded from the record of the proceeding and such determination will be considered by the Commission as a part of the decision in the case where appro-

priate exceptions are filed to the presiding officer's determination.

(d) If the presiding officer determines that an unclassified statement does not adequately present the relevant and material information contained in the classified matter, he shall include his reasons therefor in his determination. Said determination shall be included as a part of the record and will be considered by the Commission in reviewing the case.

(e) The presiding officer may in his discretion postpone all or part of the procedures established in this section until the reception of evidence has been completed: *Provided*, That service of the statement required in paragraph (a) shall not be postponed where any party does not have access to the Restricted Data.

§ 2.811 *Admissibility of restricted data.* Presiding officers shall not receive any Restricted Data in evidence unless:

(a) The relevance, materiality and competence of such information is clearly established; and

(b) The exclusion of such information would prejudice the interests of a party or the public interest.

§ 2.812 *Weight to be attached to classified evidence.* In considering the weight and effect of any Restricted Data received in evidence to which an interested party has not had opportunity to receive access, the presiding officer and the Commission shall give to such evidence such weight as, under the circumstances, is appropriate, taking into consideration any lack of opportunity for such parties to rebut or impeach the evidence.

§ 2.813 *Review of Restricted Data received in evidence.* At the close of the reception of evidence, the presiding officer shall review the record and shall direct that any Restricted Data therein

be expunged from the record where such expunction would not prejudice the interests of a party or the public interest. Such directions by the presiding officer will be considered by the Commission in reviewing the case where appropriate exceptions are filed to the directions.

§ 2.814 *Access under Part 25 of this chapter not affected.* Nothing contained in this subpart or any order issued pursuant hereto shall be deemed to abridge access to Restricted Data to which any person may be entitled under the regulations in Part 25 of this chapter.

Dated at Washington, D. C., this 5th day of November 1956.

For the Atomic Energy Commission.

R. W. COOK,  
Acting General Manager

[F. R. Doc. 56-9148; Filed, Nov. 6, 1956;  
4:00 p. m.]

## NOTICES

### DEPARTMENT OF THE TREASURY

#### Bureau of Customs

[426.8311]

#### RIFLE BARRELS IMPORTED ASSEMBLED WITH RIFLE ACTIONS SEPARATELY CLASSIFIABLE

#### TARIFF CLASSIFICATION

NOVEMBER 1, 1956.

The Bureau, after consideration of the data submitted as a result of its notice published in the FEDERAL REGISTER dated April 26, 1956 (21 F. R. 2965) that the tariff classification of rifle barrels imported assembled in rifle actions was under review, has ruled that barrels imported assembled with rifle actions by means of threads and not by welding or fusing are classifiable under the provision for barrels for rifles, further advanced in manufacture than rough bored only, in paragraph 365, Tariff Act of 1930, as modified, with duty at the rate of \$2 each and 25 percent ad valorem, rather than under the provision for parts of rifles in the same paragraph with duty at the rate of 26 percent ad valorem. The rifle actions are dutiable under the provision for all parts of rifles in paragraph 365 in harmony with existing practice.

As this decision results in the assessment of duty at a rate of duty higher than that which has heretofore been assessed under a uniform practice, it shall be applied only to such merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of this decision in the weekly Treasury Decisions.

[SEAL]

RALPH KELLY,  
Commissioner of Customs.

[F. R. Doc. 56-9135; Filed, Nov. 7, 1956;  
8:55 a. m.]

### DEPARTMENT OF THE INTERIOR

#### Bureau of Indian Affairs

[Bureau Order 567, Amdt. 2]

#### SUPERINTENDENTS OR OFFICERS IN CHARGE OF DESIGNATED AGENCIES OR FIELD OFFICES

#### DELEGATIONS OF AUTHORITY WITH RESPECT TO COMMITMENT OF INSANE INDIANS

NOVEMBER 1, 1956.

Bureau Order 567 (20 F. R. 314) as amended (21 F. R. 545), is further amended as hereinafter indicated.

A new heading and a new section are added under Part 2 to read as follows:

#### FUNCTIONS RELATING TO WELFARE MATTERS

SEC. 2.253 *Commitment of insane Indians.* The Superintendent or other officer in charge, Cherokee Agency, may commit insane Indians to State hospitals or institutions, pursuant to the provisions of 25 CFR 86.

W. BARTON GREENWOOD,  
Acting Commissioner

[F. R. Doc. 56-9076; Filed, Nov. 7, 1956;  
8:45 a. m.]

### Bureau of Land Management

[Document No. 143]

#### ARIZONA

#### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 31, 1956.

The U. S. Forest Service has filed an application, Serial No. AR-012759, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leas-

ing laws. The applicant desires the land for use as Forest Administrative sites.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 11 E.,  
Sec. 21. N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 14 N., R. 11 E.,  
Sec. 20: NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
Sec. 21. SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described totals 130 acres in the Coconino National Forest.

E. R. TRACITT,  
State Lands and Minerals,  
Staff Officer

[F. R. Doc. 56-9077; Filed, Nov. 7, 1956;  
8:45 a. m.]

#### ARIZONA

#### ORDER PROVIDING FOR OPENING AND CLASSIFICATION OF PUBLIC LANDS; AMENDMENT

Effective October 31, 1956, the land description under paragraph 1 of Federal Register Document No. 142 appearing on page 8219 of the issue for October 26, 1956, is hereby amended to read as follows:

## GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 2 W.,  
 Sec. 2: Lots 1, 2, 3, 4, S½NW¼, S½ (all);  
 Sec. 3: Lots 1, 2, 3, 4, SE¼;  
 Sec. 11: W½NE¼;  
 Sec. 12: NE¼NW¼, S½NW¼, NE¼, S½.  
 T. 5 N., R. 2 W.,  
 Sec. 27: SW¼;  
 Sec. 28: all.

E. R. TRAGITT,  
*State Lands and Minerals,  
 Staff Officer*

[F. R. Doc. 56-9078; Filed, Nov. 7, 1956;  
 8:46 a. m.]

[Idaho 06741]

## IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND  
RESERVATION OF LANDS

NOVEMBER 1, 1956.

The United States Department of Agriculture has filed an application, Serial No. Idaho 06741, for the withdrawal of the lands described below, from all forms of appropriation including the General Mining Laws, subject to existing valid claims, in accordance with provisions of Executive Order 10355 of May 26, 1952 (17 F. R. 4831). The applicant desires the land for use by the Forest Service as Administrative Sites and/or recreational areas.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

## BOISE MERIDIAN, IDAHO

## BOISE NATIONAL FOREST

## Tincup Creek Campground Recreation Area:

T. 5 N., R. 7 E.,  
 Sec. 1, Lots 12 and 13;  
 Sec. 2, Lot 9.

Total area includes 106.41 acres.

## North Fork Boise River Campground No. 2 Recreation Area:

T. 5 N., R. 7 E.,  
 Sec. 2, Lot 15.

Total area includes 24.84 acres.

## North Fork Boise River Campground Recreation Area:

T. 5 N., R. 7 E.,  
 Sec. 2, Lot 11.

Total area includes 43.18 acres.

## Rabbit Creek Campground Recreation Area:

T. 5 N., R. 7 E.,  
 Sec. 3, Lot 13;  
 Sec. 10, Lot 2.

Total area includes 64.51 acres.

## Rabbit Creek Recreation Area:

T. 5 N., R. 7 E.,  
 Sec. 3, Lot 14;  
 Sec. 10, Lot 1.

Total area includes 45.50 acres.

## Six Mile Campground Recreation Area:

T. 11 N., R. 5 E.,  
 Sec. 9, W½W½SW¼SE¼, E½E½SE¼  
 SW¼.

Total area includes 20 acres.

## TARGHEE NATIONAL FOREST

## Booth Canyon Recreation Area:

T. 1 S., R. 45 E.,  
 Sec. 25, E½.

Total area includes 360 acres.

## Sheridan Creek Public Service Site:

T. 14 N., R. 41 E.,  
 Sec. 31, SW¼SE¼.

T. 13 N., R. 41 E.,

Sec. 6, Lots 3, 4, 5, 6, 7, SE¼NW¼, E½  
 SW¼.

Total area includes 437.19 acres.

MICHAEL T. SOLAN,  
*Acting State Supervisor*

[F. R. Doc. 56-9079; Filed, Nov. 7, 1956;  
 8:46 a. m.]

[Classification No. 43]

## NEW MEXICO

## SMALL TRACT CLASSIFICATION

NOVEMBER 2, 1956.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473) I hereby classify the following described public lands totalling 80 acres in San Juan County, New Mexico, as suitable for lease and sale for business or residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a), as amended:

## NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 15 W.,  
 Sec. 12, N½NW¼.

2. Classification of the above-described lands by this order segregates them from

all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately one mile north of Kirtland, New Mexico, and the new U. S. Highway No. 550 will traverse the area. The topography is slightly undulating to moderately rolling, the elevation is 5100 feet and the average yearly rainfall is 8 inches. The soils are sandy loam in texture. The average yearly temperature is 52° with temperature extreme of about 0° to 100°. Kirtland would provide adequate education facilities and some religious and shopping facilities. Farmington, which is twelve miles to the east, would provide medical and more shopping facilities. Water can be obtained by drilling wells, and other utilities can be supplied from nearby lines. Access can be gained from the new highway which traverses the area from southeast to northwest. Oil and gas are the only known minerals.

4. The lands will be leased in tracts of 5 acres each (660' x 330') with the longer dimensions extending north and south. The lands will be subject to all existing rights-of-way and to rights-of-way 50 feet in width along the north and south boundaries of each tract for roads and utilities. The appraised value of tracts with highway frontage is \$375 per tract and the appraised value for tracts not fronting the highway is \$125 per tract, as per schedule below. No structure shall be placed on the land nearer than 10 feet from the above mentioned rights-of-way.

Tract No.	Description of tract	Advance rental 3 years		Appraised value
		Business	Residence	
1	W½NW¼NW¼NW¼	\$60.00	\$38.25	\$375.00
2	E½NW¼NW¼NW¼	60.00	38.25	375.00
3	W½NE¼NW¼NW¼	60.00	38.25	375.00
4	E½NE¼NW¼NW¼	60.00	38.25	375.00
5	W½NW¼NE¼NW¼	60.00	30.00	125.00
6	E½NW¼NE¼NW¼	60.00	30.00	125.00
7	W½NE¼NE¼NW¼	60.00	30.00	125.00
8	E½NE¼NE¼NW¼	60.00	30.00	125.00
9	E½SE¼NE¼NW¼	60.00	38.25	375.00
10	W½SE¼NE¼NW¼	60.00	38.25	375.00
11	E½SW¼NE¼NW¼	60.00	38.25	375.00
12	W½SW¼NE¼NW¼	60.00	38.25	375.00
13	E½SE¼NW¼NW¼	60.00	38.25	375.00
14	W½SE¼NW¼NW¼	60.00	30.00	125.00
15	E½SW¼NW¼NW¼	60.00	30.00	125.00
16	W½SW¼NW¼NW¼	60.00	30.00	125.00

<sup>1</sup> Under application from an individual having statutory preference.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in Paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards: The home must be suitable for year-round use, on a permanent foundation with a minimum of 600 sq. ft. of floor space, divided into at least three rooms. The improvements shall be neat appearing and constructed in a workmanlike manner with attractive properly finished materials. The house shall contain running water and modern plumbing.



ing and shall have adequate sewage and sanitary facilities.

7. Applicants must file, in duplicate, with the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico, application form 4-776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of \$10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to November 30, 1955 will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after November 30, 1955, and prior to 10:00 a. m. December 8, 1956 will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after November 30, 1955 and prior to 10:00 a. m. March 9, 1957, will be considered as simultaneously filed at that time. All other valid applications filed after that time will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, P. O. Box 1251, Santa Fe, New Mexico.

ADLAI S. BAKER,  
Acting State Supervisor

[F. R. Doc. 56-9080; Filed, Nov. 7, 1956;  
8:46 a. m.]

#### NEW MEXICO

##### SMALL TRACT CLASSIFICATION

NOVEMBER 2, 1956.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 90 acres in San Juan County, New Mexico, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a), as amended:

##### NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 13 W.,  
Sec. 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 30 N., R. 13 W.,  
Sec. 31, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately 4 miles west of Farmington. Paved State Highway No. 70 traverses the center of the tract north and south. The topogra-

phy includes La Plata River bottom, first terrace bottom lands and steep gravelly hills. The soils are sandy loam to sand in texture. Elevation of the lands is 5,300 feet to 5,350 feet. Annual precipitation is 8 inches and the average yearly temperature is 52°. The City of Farmington provides adequate religious, medical, educational, recreational and shopping facilities. Electric transmission

power and telephone lines traverse the tract. Domestic water supply can be obtained by drilling wells. There are no indications of metalliferous minerals.

4. The lands will be leased in tracts of 5 acres each (660' x 330') with the longer dimensions extending east and west. The lands will be subject to all existing rights-of-way and to rights-of-way 33 feet in width as per schedule below<sup>1</sup>

Description of tract	Right-of-way location	Appraised value	Advance rental 3 years
T. 29 N., R. 13 W., Sec. 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$		\$375.00	\$56.25
Sec. 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$		310.00	46.50
Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$		180.00	30.00
Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	33' along S. boundary	245.00	36.75
Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	33' along N. boundary	245.00	36.75
Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$		245.00	36.75
Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$		115.00	30.00
Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$		115.00	30.00
Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	33' along S. boundary	245.00	36.75
Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	33' along N. boundary	245.00	36.75
Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	33' along S. boundary	115.00	30.00
Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	33' along N. boundary	180.00	30.00
Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$		310.00	46.50
Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$		310.00	46.50
T. 30 N., R. 13 W., Sec. 31, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$		180.00	30.00
Sec. 31, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$		310.00	46.50
Sec. 31, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$		310.00	46.50
Sec. 31, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$		310.00	46.50

<sup>1</sup> Under application from an individual having statutory preference.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in Paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards: The house must be suitable for year-round use, and be constructed on a permanent foundation with a minimum of 600 square feet of floor space divided into at least 3 rooms. The improvements shall be neat appearing and constructed in a workmanlike manner with attractive properly finished materials. The house shall contain adequate sewage and sanitary facilities.

7. Applicants must file, in duplicate, with the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico, application Form 4-776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies

of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of \$10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to February 23, 1956 will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after February 23, 1956, and prior to 10:00 a. m. December 8, 1956 will be considered as simultaneously filed at that time. All valid applications from persons entitled to veteran's preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after February 23, 1956 and prior to 10:00 a. m. March 9, 1957 will be considered as simultaneously filed at that time. All other valid applications filed after that time will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, P. O. Box 1251, Santa Fe, New Mexico.

ADLAI S. BAKER,  
Acting State Supervisor

[F. R. Doc. 56-9081; Filed, Nov. 7, 1956;  
8:46 a. m.]

#### Bureau of Mines

[Regional Administrative Order No. 40]

##### CERTAIN OFFICIALS

DELEGATION OF AUTHORITY TO EXECUTE CONTRACTS AND TO SIGN PURCHASE ORDERS

1. In accordance with the provisions of paragraph 205.2.4A (4) of the Bureau

of Mines Manual, the following officials of the Bureau of Mines, Region IV may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or service, including maintenance and repairs when in conformity with applicable regulations and statutory requirements except that contracts and purchase orders in the following categories require approval by the Director of the Bureau of Mines or the Regional Director, Region IV (see subparagraph 205.2.4A (1))

- (a) Any for more than \$500.
- (b) Purchase of land.
- (c) Printing and binding.
- (d) Automobiles and trucks.
- (e) Microfilm equipment and services over \$100.
- (f) Construction.
- (g) Alteration and repairs to buildings in excess of \$500.
- (h) Drilling.
- (i) Working fund agreements with other government agencies.
- (j) Cooperative agreements on research programs.

Chief, Division of Administration, Region IV· Chief, Division of Petroleum Technology, Region IV· Chief, Division of Mineral Technology, Region IV· Administrative Assistant, Regional Office, Region IV· Administrative Assistant Petroleum Experiment Station, Region IV· Administrative Assistant, Mississippi Valley Experiment Station, Region IV· Chief, Dallas Field Office, Division of Petroleum Technology, Region IV.

2. *Change Orders and Extra Work Orders.* With respect to any contract (including contracts approved by the Director, Bureau of Mines, or the Regional Director, Region IV) the following officials may, up to \$500, issue change orders and extra work orders pursuant to the contract; enter into any modifications and amendments of the contract which are legally permissible and terminate the contract, if such action is legally authorized:

Chief, Division of Administration, Region IV· Chief, Division of Petroleum Technology, Region IV· Chief, Division of Mineral Technology, Region IV.

3. Authorities delegated by this order may not be redelegated without the prior approval of the Regional Director, Region IV and publication of the redelegation in the FEDERAL REGISTER.

4. \* \* \*

5. The delegations contained herein supersede those in Bureau of Mines, Region IV Administrative Order 4B which is hereby rescinded.

HAROLD M. SMITH,  
Regional Director  
Region IV

Approved:

THOS. H. MILLER,  
Acting Director

[F. R. Doc. 56-9082; Filed, Nov. 7, 1956;  
8:47 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

#### STATE OF NETHERLANDS FOR THE BENEFIT OF BETTY JESSURUN

#### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

#### Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Betty Jessurun, L. S. Claim No. 745, \$784.16 in the Treasury of the United States.

J. Velleman, L. S. Claim No. 772, \$392.03 in the Treasury of the United States.

Mrs. Henriette Rijpma, L. S. Claim No. 793, \$1,509.51 in the Treasury of the United States.

Martinus Wertheim, L. S. Claim No. 801, \$1,364.47 in the Treasury of the United States.

Henriette and Eduard van Cleeff; Mrs. Elisabeth van Cleeff, L. S. Claim No. 834, \$1,205.00 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL]

PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 56-9140; Filed, Nov. 7, 1956;  
8:56 a. m.]

#### STATE OF NETHERLANDS FOR THE BENEFIT OF "BERG" STICHTING, AMSTERDAM ET AL.

#### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

#### Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States)

"Berg" Stichting, Amsterdam, Vereeniging "Pro Juventute" Amsterdam, L. S. Claim No. 134, \$1,117.43.

Gretel Bertha Mossel (Mrs. Nicolaas Jacobus de Graaff), L. S. Claim No. 152, \$1,117.43.

Jacqueline van Witsen, L. S. Claim No. 177, \$1,380.00.

Clara Schuster; Florence Schiff; Margaret

Golding; Bertha Flesch; Onno and Jan Jitta, L. S. Claim No. 240, \$1,350.00.

Frederike and Dr. Otto Abas, L. S. Claim No. 286, \$1,117.43.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10037, October 3, 1951) in and to)

"Berg" Stichting, Amsterdam, Vereeniging "Pro Juventute" Amsterdam, L. S. Claim No. 134, Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 8439, 8467 and 10382, in the principal amount of \$1,000 each; Southern Railway Company 4/56 Bond No. 30653, in the principal amount of \$1,000.

Gretel Bertha Mossel (Mrs. Nicolaas Jacobus de Graaff), L. S. Claim No. 152, Southern Railway Company 4/56 Bond No. 5049, in the principal amount of \$1,000.

Jacqueline van Witsen, L. S. Claim No. 177, Southern Pacific Railroad Company 4/55 Bond No. 130164, in the principal amount of \$1,000.

Clara Schuster; Florence Schiff; Margaret Golding; Bertha Flesch; Onno and Jan Jitta, L. S. Claim No. 240, Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 8856, 2554 and 11226, in the principal amount of \$1,000 each; New York Central Railroad Company 4½/2013 Bond No. 60757, in the principal amount of \$1,000.

Frederike and Dr. Otto Abas, L. S. Claim No. 286, International Mercantile Marine Company Ltd. 6/41 Bond No. 30263, in the principal amount of \$1,000; Southern Railway 4/56 Bond No. 32889, in the principal amount of \$1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL]

PAUL V. MYRON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 56-9141; Filed, Nov. 7, 1956;  
8:56 a. m.]

#### STATE OF NETHERLANDS FOR THE BENEFIT OF MARINUS KLEIN ET AL.

#### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

#### Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Marinus Klein, L. S. Claim No. 536, \$1,383.81 in the Treasury of the United States, and North American Trust Shares 1956, Distribution Type, Ctf. No. DD40022 (exchanged for Ctf. No. DD7222) for 100 shares, presently in custody of the Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Menco van Sijll, L. C. Claim No. 721, \$1,117.43 in the Treasury of the United States.

Gerda, Aaltje and Tj. Smits, Mrs. E. Drijver and Mrs. M. Roos, L. S. Claim No. 729, \$19,494.66 in the Treasury of the United States.  
Roelina Tonckens, L. S. Claim No. 766, \$231.60 in the Treasury of the United States.  
Suzette Bourlier, L. S. Claim No. 837, \$2,052.93 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 56-9142; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT  
OF HEIS WATERMAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED  
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of:

Prof. Dr. Ir. Hein Waterman, L. S. Claim No. 246, \$1,540.00 in the Treasury of the United States.

Karel, Samuel and Eliza Edersheim, L. S. Claim No. 374, \$1,631.07 in the Treasury of the United States.

S. M. van den Bergh, H. E. Ligtenstein, and J. Gompén, L. S. Claim No. 375, \$392.08 in the Treasury of the United States.

Maurits Franken, L. S. Claim No. 410, \$392.08 in the Treasury of the United States.  
Joseph and Henri Spier, L. S. Claim No. 741, \$3,599.78 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 56-9143; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT  
OF NANETTE VAN BAREN ET AL.

NOTICE OF INTENTION TO RETURN VESTED  
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

quate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to)

Nanette and Benedictus van Baren; Elisabeth van Moppes; Simon and Levie Stork; Elisabeth van Gelderen; Gonda Gera; Martha Ruinen; Betje de Vries; Jakob Smit; Catharina Caneel; Johanna, Philip, Salomon, Jacques and Jeanne Polak; Alice de Groot; Martha van Esso; Mozes, Simon and Hans de Beer; Hanna, Meijer, Hendrika and Margaretha Mendels; Nathan Cohen; Annie Lubbert; Joke Stork; Aron Witteboon; Meijer and Nathan Englander; Mozes and Nathan Easel; Evalina Witjas; Neeltje v. d. Kogel; Abraham Braadbaart; Rachel van Dedem; Debora, Marcus and Benjamin Knap; Dolly Dent; Esther Wareman; Leo Friedberg; Judith Mechanicus; Rosina van Tijn; Esther Coster; Eva Bonnewit; Charles, Cornelis and Isaak Fresco; Greta Zukerman; Elisabeth Carakehain-Coulaksizoglon; Wilhelmina Wiedeman; Agnita W. v. d. Wiele, L. S. Claim No. 851, Cities Service Company 5/69 Debenture No. 47307, in the principal amount of \$1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 56-9144; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT  
OF EMILIE MEURSING ET AL.

NOTICE OF INTENTION TO RETURN VESTED  
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of:

Emilie and Aalrik Meursing; Ida Zeehuisen; Johanna Dekhuysen; Cornelia Land; Jan Engelkens; Johanna Hoog, Grada Hoxel; Aalrik, Dirk and Johannes Stikker; Anna van Dijk; Wessel Houwing; Johanna Roorda; Rudolph, Nicolaas, Polly and Alberdina Meurer; Marie de Nies; Tjapko, Jantje, Detmer and Diebolt Detmers; Ida Wolthuis; Reint and Reina Meyer; Frouwina Bosman; Eppo (Holwerd, Holland) Eppens; Jan, Anje and Peterdina Eppens; Eppo (Noordbroek, Holland) Eppens; Ida and Frouwina Roelofs; Gezine Roelfsema; Richta Dallinga; Frouwina Poppens; Reina Germs; Jantje Evers; Frouwina Lindenberg, L. S. Claim No. 608, \$1,460.00 in the Treasury of the United States.  
Johanna Nagels, L. S. Claim No. 620, \$1,540.00 in the Treasury of the United States.

Johannes van Noort, L. S. Claim No. 624, \$8,186.82 in the Treasury of the United States.  
Ada Splering, L. S. Claim No. 743, \$1,117.43 in the Treasury of the United States.

Ada Splering, L. S. Claim No. 744, \$1,887.43 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 56-9145; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT  
OF HENRIETTE ROSA SPIJER-SOUGET  
ET AL.

NOTICE OF INTENTION TO RETURN VESTED  
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to)

Henriette Rosa Spijer-Souget, and Max Souget, L. S. Claim No. 170, Atchafson, Topoka & Santa Fe Railway Company 4/95 Bond No. 125036, in the principal amount of \$1,000; Union Pacific Railroad Company 4/47 Bond No. 41927, in the principal amount of \$1,000.  
Studiefonds Frenkel-Sorpos, L. S. Claim No. 414, Kansas City Southern Railway Company 3/50 Bond No. 10525, in the principal amount of \$1,000.

Samuel and Geertruida Rozenberg; Marie van de Rijn; Marie van der Meer; Edith Cohen, L. S. Claim No. 704, Cities Service Company 5/69 Debenture No. 39777, in the principal amount of \$1,000.

Christine van der Horst; Rebekka Drielsma; Betje, Joseph, Martha and Hessel Turksma; Elieazar de Groot; Samuel, Mozes and Lazarus van Gelder; Esther Front; Jacob Volleman; Geertje Wijnberg; Aaltje Muller, L. S. Claim No. 768, Louisville & Nashville Railroad Company, Southeast and St. Louis Division 3/80 Bond No. 1569, in the principal amount of \$1,000.

Philip, Louise, Samuel and Louis Hartz, L. S. Claim No. 858, Cities Service Company 5/66 Debenture No. 16523, in the principal amount of \$1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 56-9146; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT  
OF SAMUEL DRUKKER ET AL.NOTICE OF INTENTION TO RETURN VESTED  
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

## Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States)

Dr. Samuel Drukker, Mrs. Jantina Drukker and Philippus Drukker Jr., L. S. Claim No. 98, \$1,013.67.

Mrs. Anna Krings, L. S. Claim No. 146, \$392.08.

E. Stibbe, Mrs. C. de Heer, L. de Heer, J. de Heer Jr., J. de Heer Sr., G. Meyer, Mrs. C. Benninga and Mrs. A. Budding, L. S. Claim No. 147, \$1,788.08.

Jeanne de Flines, L. S. Claim No. 400, \$3,362.14.

Celine and Edro Polak, Jacoba Goudsmit and Sonja Talsma, L. S. Claim No. 655, \$392.08.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to)

Dr. Samuel Drukker, Mrs. Jantina Drukker and Philippus Drukker Jr., L. S. Claim No. 98, Louisville & Nashville Railroad Company, Southeast & St. Louis Division, 3/80 Bond No. 2136, in the principal amount of \$1,000; Southern Pacific Company 4/49 Bond No. 11886, in the principal amount of \$1,000.

Mrs. Anna Krings, L. S. Claim No. 146, Southern Pacific Company—San Francisco Terminal 4/50 Bond Nos. 13700, 12019 and 12020, in the principal amount of \$500 each.

E. Stibbe, Mrs. C. de Heer, L. de Heer, J. de Heer Jr., J. de Heer Sr., G. Meyer, Mrs. C. Benninga and Mrs. A. Budding, L. S. Claim No. 147, Southern Pacific Company—San Francisco Terminal 4/50 Bond No. 13562, in the principal amount of \$500; Southern Pacific Company—San Francisco Terminal 4/50 Bond Nos. 12265, 8389, 13053, 13054 and 13559, in the principal amount of \$500 each; Southern Pacific Company—San Francisco Terminal 4/50 Bond No. 11959, in the principal amount of \$100.

Jeanne de Flines, L. S. Claim No. 400, Hudson & Manhattan Railroad Company 5/57 Bond No. 20034, in the principal amount of \$1,000; Louisville & Nashville Railroad Company, Southeast & St. Louis Division, 3/80 Bond No. 1046, in the principal amount of \$1,000; Southern Pacific Company—San Francisco Terminal 4/50 Bond Nos. 910 and 1161, in the principal amount of \$500 each.

Celine and Edro Polak, Jacoba Goudsmit and Sonja Talsma, L. S. Claim No. 655, Cities Service Company 5/69 Debenture No. 48114, in the principal amount of \$1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 56-9147; Filed, Nov. 7, 1956; 8:56 a. m.]

## DEPARTMENT OF LABOR

## Wage and Hour Division

## LEARNER EMPLOYMENT CERTIFICATES

## ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349)

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Michael Berkowitz Co., Inc., Waynesburg, Pa., effective 11-12-56 to 11-11-57 (ladies' cotton flannel pajamas).

J. R. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La., effective 10-26-56 to 10-25-57 (sport shirts).

Carbondale Children's Dress Co., 30 Seventh Avenue, Carbondale, Pa., effective 10-26-56 to 10-25-57 (children's and girls' dresses).

Cater Frock Co., New Braunfels, Tex.; effective 11-9-56 to 11-8-57 (children's dresses). Harrisburg Children's Dress Co., 14th and Howard Streets, Harrisburg, Pa., effective 10-26-56 to 10-25-57 (children's and girls' dresses and playclothes).

Joyner-Fields, Inc., Sherman, Miss.; effective 11-3-56 to 11-2-57 (sport shirts).

Kamp Togs, Inc., Pleasant Hill, Ill., effective 10-26-56 to 10-25-57; 5 learners (boys' and girls' sportswear).

Kinoca Shirt Co., 501 North East Street, Kinston, N. C.; effective 10-26-56 to 10-25-57 (ladies' blouses).

Lee Mar Shirt Co., Pulaski, Tenn., effective 10-29-56 to 10-28-57 (sport shirts).

Livingston Shirt Corp., 308 South Church Street, Livingston, Tenn., effective 11-5-56 to 11-4-57 (men's dress and sport shirts).

McEwen Manufacturing Co., McEwen, Tenn., effective 11-6-56 to 11-5-57 (overalls, dungarees and play suits).

McMinnville Garment Co., McMinnville, Tenn., effective 11-8-56 to 11-7-57 (cotton tropical shorts).

Milan Shirt Manufacturing Co., Milan, Tenn., effective 11-4-56 to 11-3-57 (cotton work shirts).

Penn Children's Dress Co., 831 Lackawanna Avenue, Mayfield, Pa., effective 10-26-56 to 10-25-57 (children's and girls' dresses, playclothes).

Roberts Manufacturing Co., 304 South First Street, Ponca City, Okla., effective 10-30-56 to 5-13-57 (denim and twill jeans) (replacement certificate).

Royal Manufacturing Co., Inc., Washington, Ga., effective 10-30-56 to 10-29-57 (men's and boys' woven sport shirts).

Salant & Salant, Inc., First Street, Lexington, Tenn., effective 11-9-56 to 11-8-57 (cotton work shirts).

Salant & Salant, Inc., Pine Street, Lexington, Tenn., effective 11-6-56 to 11-5-57 (men's cotton work shirts).

Salant & Salant, Inc., Oblon, Tenn., effective 11-9-56 to 11-8-57 (boys' cotton work shirts).

Salant & Salant, Inc., Washington Street, Paris, Tenn., effective 11-9-56 to 11-8-57 (men's and boys' cotton work shirts).

Salant & Salant, Inc., Tennessee Avenue, Parsons, Tenn., effective 11-8-56 to 11-7-57 (cotton work pants).

Salant & Salant, Inc., Troy, Tenn., effective 11-7-56 to 11-6-57 (cotton work shirts).

Salant & Salant, Inc., South First Street, Union City, Tenn., effective 11-13-56 to 11-12-57 (men's cotton work pants shorts).

Sesser Garment Co., Sesser, Ill., effective 10-23-56 to 10-22-57; 4 learners (dresses and sportswear).

Shreveport Garment Manufacturers, 410-420 Commerce Street, Shreveport, La., effective 10-23-56 to 10-22-57; 10 learners (dungarees).

Shroyer Dress Co., 315 North Water Street, Selinsgrove, Pa., effective 10-29-56 to 10-28-57; 10 learners (dresses).

The following learner certificates were issued for expansion purposes. The number of learners authorized is indicated.

Adel Manufacturing Co., Fifth Street, Adel, Ga., effective 10-30-56 to 4-29-57; 35 learners (men's and boys' sport shirts).

Michael Berkowitz Co., Inc., Waynesburg, Pa., effective 10-29-56 to 4-28-57; 10 learners (ladies' cotton flannel pajamas).

Blue Bell, Inc., Plant No. 2, Prentiss Co., Boonerville, Miss.; effective 10-25-56 to 4-24-57; 60 learners (men's and boys' shirts).

The Dantan Co., Inc., Dumas, Ark.; effective 10-24-56 to 4-23-57; 20 learners (ladies' shorts, bermuda, blouses, etc.).

Fairmont Manufacturing Co., Inc., Fairmont, N. C.; effective 10-23-56 to 4-22-57; 5 learners (ladies' woven cotton night wear).

Edna Howard, Inc., 3020 North 29th Drive, Phoenix, Ariz.; effective 10-29-56 to 4-28-57; 60 learners (ladies' dresses).

International Latex Corp., Newnan, Ga.; effective 10-23-56 to 4-22-57; 150 learners (brassieres).

Jersey Shore Sylvania Manufacturing Co., Bank's Avenue, Jersey Shore, Pa., effective 10-24-56 to 4-23-57; 25 learners (women's sportswear).

Montgomery Sylvania Manufacturing Co., 22 East Houston Avenue, Montgomery, Pa., effective 10-24-56 to 4-23-57; 25 learners (women's sportswear).

Prairie Manufacturing Co., East Prairie, Mo., effective 10-25-56 to 4-24-57; 30 learners (men's and boys' semi-dress pants).

Ray Lee, Inc., 1405 Warford Avenue, Memphis, Tenn., effective 10-23-56 to 1-9-57; 40 learners (ladies' cotton sportswear) (supplemental certificate).

Roberts Manufacturing Co., 304 South First Street, Ponca City, Okla., effective 10-30-56 to 4-29-57; 20 learners (denim and twill jeans).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Wells Lamont Corp., Hugo, Okla., effective 11-1-56 to 10-31-57; 10 learners for normal labor turnover purposes (gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629)

Merrimac Knitting Mills, Inc., 235 Central Street, Franklin, N. H., effective 10-23-56 to 4-22-57; 15 learners for expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F.R. 581).

Dothan Manufacturing Co., Dothan, Ala., effective 10-24-56 to 10-23-57; 5 percent of factory production workers for normal labor turnover purposes (men's shorts and pajamas).

Rowan Manufacturing Corp., 120 East Fisher Street, Salisbury, N. C.; effective 10-26-56 to 10-25-57; 5 learners for normal labor turnover purposes (swimwear).

Royal Manufacturing Co., Inc., Washington, Ga., effective 10-30-56 to 10-29-57; 5 percent of factory production workers engaged in the manufacture of men's and boys' underwear for normal labor turnover purposes (men's and boys' woven sport shirts).

Royal Manufacturing Co., Inc., Crawfordsville, Ga., effective 10-28-56 to 10-27-57; 5 learners for normal labor turnover purposes (men's and boys' cotton shorts).

Swing Tyme, Inc., 202 East Liberty Street, Schuylkill Haven, Pa.; effective 10-25-56 to 10-24-57; 5 learners for normal labor turnover purposes (slips, pajamas, negligees, etc.).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F.R. 645)

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated.

Cumberland Clothing Co., Inc., Third and Pear Streets, Vineland, N. J., effective 10-29-56 to 4-28-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's sack and sport coats).

Decoratone Frame Manufacturing & Sales, Inc., 5710 Melrose Avenue, Los Angeles, Calif., effective 10-29-56 to 4-28-57; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period for the occupation of picture frame maker; authorizing the employment of 2 learners for normal labor turnover purposes (picture frames and framed pictures).

Hickey-Freeman Co., 13 East Center Street, Medina, N. Y., effective 10-18-56 to 4-17-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of hand sewing and finishing operations involving hand sewing; authorizing the employment of 4 learners for normal labor turnover purposes (suits, overcoats, topcoats, etc.).

Hickey-Freeman Co., 709 Bleeker Street, Utica, N. Y., effective 10-29-56 to 4-28-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of hand sewer and finishing operations involving hand sewing; authorizing the employment of 5 learners for expansion purposes (suits, overcoats, topcoats, etc.) (supplemental certificate).

Levine Brothers, 1422 Grand Street, Hoboken, N. J., effective 10-29-56 to 4-28-57;

not less than 85 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; authorizing the employment of 5 learners for normal labor turnover purposes (shop caps, baseball caps).

Magic Snell Tackle Co., 45 Niagara Street, Canandaigua, N. Y.; effective 10-29-56 to 4-28-57; not less than 80 cents per hour for the first 40 hours, 85 cents per hour for the next 80 hours, 90 cents per hour for the next 80 hours, and 95 cents per hour for the remaining 120 hours of the 320-hour learning period, for the occupation of winder and solderer; authorizing the employment of 4 learners for normal labor turnover purposes (fishing tackle and parts).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Fairfield Manufacturing Co., Inc., Carpenter Road and Carolina Street, Hato Rey, P. R., effective 10-16-56 to 3-14-57; not less than 50 cents per hour for the first 240 hours and 57 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of assemblers, welders, plater, rackers and dippers; not less than 50 cents per hour for a maximum of 240 hours, for the occupations of box making and packing; authorizing the employment of 62 learners for expansion purposes (drapery pleater hooks) (replacement certificate).

Glamourette Fashion Mills, Inc., Quebradillas, P. R., effective 10-15-56 to 1-22-57; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitting, tonping, and looping; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of machine stitching, pressing, hand sewing, and finishers doing work involving hand sewing; not less than 58 cents per hour for a maximum of 240 hours, for the occupation of winder; authorizing the employment of 40 learners for expansion purposes (sweaters) (replacement certificate).

Somtex Knitting Mills, Inc., Yauco, P. R., effective 10-8-56 to 8-8-57; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitter, looper and topper; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of machine stitching and pressing; not less than 58 cents per hour for a maximum of 240 hours, for the occupation of winding; authorizing the employment of 12 learners for normal labor turnover purposes (sweaters) (replacement certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 30th day of October 1956.

MILTON BROOKE,  
Authorized Representative  
of the Administrator

[F. R. Doc. 56-9083; Filed, Nov. 7, 1956; 8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11858, 11859; FCC 56-1052]

KEN-SELL, INC. AND FLORIDA KEYS  
BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ken-Sell, Inc., Key West, Florida, Docket No. 11858, File No. BP-10242; Florida Keys Broadcasting Corporation, Key West, Florida, Docket No. 11859, File No. BP-10603; for construction permits.

At a session of the Federal Communications Commission held at its offices at Washington, D. C., on the 31st day of October 1956:

The Commission having under consideration the above-captioned applications of Ken-Sell, Inc., and Florida Keys Broadcasting Corporation, each for a construction permit for a new standard broadcast station to operate on 1500 kilocycles with a power of 250 watts, directional antenna, unlimited time, at Key West, Florida,

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; that the proposed operation of Ken-Sell, Inc., would cause nighttime interference to Station WTOP, Washington, D. C., (1500 kc, 50 kw, DA-2, U) that it has not yet been determined whether the proposed antenna system of Ken-Sell, Inc., would constitute a hazard to air navigation; that the proposed antenna site of Ken-Sell, Inc., might not be satisfactory and that the proposed directional antenna system of Ken-Sell, Inc., may not meet the minimum efficiency requirements of the Commission's Technical Standards; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated May 21, 1956, and August 22, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that by letter of September 17, 1956, counsel on behalf of Station WTOP requested that the application of Ken-Sell, Inc., be designated for hearing; and

It further appearing that by amendment filed July 16, 1956, Ken-Sell, Inc., specified a greater separation between the proposed antenna towers and stated



that no serious directional antenna pattern distortion was expected due to man-made structures in the vicinity of the proposed site, but that it still appears that the proposed directional antenna may not meet the minimum efficiency requirements of the Commission's Technical Standards and that Ken-Sell, Inc., has not indicated contemplated corrective action to preclude possible antenna pattern distortion which may be caused by nearby man-made structures; and

It further appearing that area and population data filed by Ken-Sell, Inc., on September 21, 1956, indicates that its proposed operation would not be in compliance with § 3.28 (c) of the Commission's Rules due to excessive population loss which would result from interference caused by Station WTOF and:

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing is necessary:

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Ken-Sell, Inc., would cause interference to Station WTOF Washington, D. C., or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed antenna system of Ken-Sell, Inc., would constitute a hazard to air navigation.

4. To determine whether the proposed directional antenna array of Ken-Sell, Inc., would meet the minimum efficiency requirements of the Commission's Technical Standards.

5. To determine whether the proposed directional antenna of Ken-Sell, Inc., can be constructed, adjusted, and maintained as proposed, with special consideration to whether sufficient area is available for the installation of a satisfactory ground system, and what adverse effects, if any, would result from man-made structures in the area acting as parasitic radiators.

6. To determine whether, because of the interference received, the proposal of Ken-Sell, Inc., would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

7. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That The Washington Post Company, licensee of Station WTOF, is made a party to the proceeding.

Released: November 5, 1956.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 56-9150; Filed, Nov. 7, 1956;  
8:57 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-4994, etc.]

A. O. PHILLIPS ET AL.

### NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above as follows:

*Docket No., Name; Gas Field; and Purchaser*

G-4994; A. O. Phillips; South Cottonwood Creek, DeWitt County, Tex.; Texas Eastern Transmission Corporation.

G-6061; United States Smelting, Refining and Mining Company; Drirer-Spraberry, Midland County, Tex.; Texas Natural Gasoline Corporation, Goldsmith, Ector County, Tex.; Phillips Petroleum Company, North Blanco, San Juan County, N. Mex.; El Paso Natural Gas Company.

G-6062; Westbrook Oil Corporation; Kuhlman, Harris County, Tex.; Tennessee Gas Transmission Company.

G-6078; The Sharples Oil Corporation; Worland, Bighorn and Washakie Counties, Wyo.; Montana Dakota Utilities Company.

G-6080; The Sharples Oil Corporation, The Sharples Oil Corporation as attorney-in-fact for others; Spraberry, Reagan County, Tex.; El Paso Natural Gas Company.

G-6032; The Sharples Oil Corporation, The Sharples Oil Corporation as attorney-in-fact for others; Pegasus, Midland and Upton Counties, Tex.; El Paso Natural Gas Company.

G-6083; Pubco Development, Inc. (N.S.L.); Twin Mounds, Aztec-Picture Cliffs, Kutz Canyon and Blanco, San Juan and Rio Arriba Counties, N. Mex.; El Paso Natural Gas Company and Southern Union Gathering Company, Dogie Canyon and Largo Canyon, Rio Arriba Counties, N. Mex.; El Paso Natural Gas Company.

G-6035; J. S. Rushing; Ada, Webster and Beville Parishes, La.; Arkansas-Louisiana Gas Company.

G-6086; Hugoton Plains Gas and Oil Company; Guymon-Hugoton, Texas County, Okla., Southwestern Public Service Company; Kansas-Hugoton, Steward and Stevens Counties, Kans.; Northern Natural Gas Company.

G-6087; Crescent Drilling Company, Inc.; Haynesville, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

G-6092; Slick-Moorman Oil Company; South Caesar, Bee County, Tex.; United Gas Pipe Line Company.

G-6093; Slick-Moorman Oil Company; Toward, Bee County, Tex.; Wilcox Trend Gathering System, Inc.

G-6094; Slick-Moorman Oil Company; Kelly-Snyder, Scurry County, Tex.; Fullerton Oil Company.

G-6095; Slick-Moorman Oil Company; Burnell and North Pettus, Bee and Karnes Counties, Tex.; United Gas Pipe Line Company.

G-6096; Pacific Western Oil Corporation; Dollarhide, Andrews County, Tex.; El Paso Natural Gas Company.

G-6097; Stephens Production Company; Spiro, Le Flore County, Okla., Brent, Gans and Tidwell, Sequoyah County, Okla., Mesnard, Bloomer, Ewing and Beverley, Sebastian County, Ark.; Cecil, Vesta, Beverly and Ozark, Franklin County, Ark.; Greenwood Junction, Ruby, Alma, Kibler, Williams and Section 10, Crawford County, Ark.; Fort Smith Gas Corporation.

G-7272; Penn-Ohio Gas Company, Hlawatha Oil & Gas Co., Benedum-Trees Oil Company, Bentex Oil Corporation; Driftwood, Cameron County, Pa., New York State Natural Gas Corporation.

G-7273; Penn-Ohio Gas Company and Hlawatha Oil & Gas Co., Bentex Oil Corporation and Plymouth Oil Company; Longhorn, East Longhorn, South Longhorn, Sweden, Southland and Atlee, Dural County, Tex., Provident Investment Corporation.

G-7275; Penn-Ohio Gas Company; Union Dist., Harrison County, W. Va., Hope Natural Gas Company.

A public hearing will be held on the 21st day of November 1956, beginning at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,  
Secretary.

NOVEMBER 1, 1956.

[F. R. Doc. 56-9092; Filed, Nov. 7, 1956;  
8:48 a. m.]

[Docket No. G-9607]

JOHN L. ABERCROMBIE, ET AL.

ORDER TERMINATING PROCEEDING

By order issued November 2, 1955, in the above-entitled proceeding, certain changes proposed by John L. Abercrombie, et al. (Abercrombie) in Supplement No. 1 to his FPC Gas Rate Schedule No. 1 were suspended and the use thereof deferred pursuant to the provisions of section 4 (e) of the Natural Gas Act.

On September 17, 1956, The Texas Company filed a request for consolidation of filings by operator pursuant to § 154.91 (b) of the Commission's regulations under the Natural Gas Act. Reference to this document and Abercrombie's rate filings show that Abercrombie ratified a gas-sales contract dated September 10, 1952, between The Texas Company and United Fuel Gas Company, and that The Texas Company is the operator of the producing properties in which Abercrombie's own minority interests. Under these circumstances the request by The Texas Company is appropriate, and will be acted upon by separate orders issued in Docket No. G-9609. Since Abercrombie's interests in the sale to United Fuel Gas Company are adequately represented by The Texas Company through its rate filings and in the proceeding in Docket No. G-9609, this proceeding in Docket No. G-9607 should be terminated and withdrawal of Abercrombie's rate filings should be permitted.

The Commission orders: This proceeding be and is hereby terminated for the reasons stated above, and withdrawal of Abercrombie's FPC Gas Rate Schedule No. 1 and Supplement No. 1 thereto be and is hereby permitted.

Issued: November 1, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 56-9087; Filed, Nov. 7, 1956;  
8:48 a. m.]

[Docket No. G-9609]

TEXAS CO. ET AL.

ORDER AMENDING ORDER SUSPENDING  
PROPOSED CHANGES IN RATES

By order issued November 2, 1955, in this proceeding, certain changes, proposed by The Texas Company (Texaco) in its Supplement No. 1 to its FPC Gas Rate Schedule No. 6 were suspended and

the use thereof deferred pursuant to the provisions of section 4 (e) of the Natural Gas Act. Texaco's Rate Schedule No. 6, consisting of a contract dated September 10, 1952, with United Fuel Gas Company, then showed Texaco as the only party seller.

On September 17, 1956, Texaco filed a request for consolidation of filings by operator pursuant to § 154.91 (b) of the Commission's regulations under the Natural Gas Act. This filing showed that Texaco was the operator and owner of the majority of the working interests in the Erath Unit, Erath Field, Vermilion Parish, Louisiana, from which natural gas is sold under the contract of September 10, 1952. Seventy-two separate owners of working interest in the Erath Unit have ratified the September 10, 1952, contract, as shown by the John L. Abercrombie, et al. FPC Gas Rate Schedule No. 1. A proposed change in this latter rate schedule was suspended by an order issued November 2, 1955, in Docket No. G-9607. Texaco's filing of September 17 lists all the owners of working interests and their percentage ownership, which, together with Texaco, total 53.64223 percent of the Erath Unit.

Texaco requests (a) that its FPC Gas Rate Schedule No. 6 be regarded as an operator filing on behalf of and as agent for the several minority owners mentioned above; (b) that the suspension order of November 2, 1955, in this proceeding be amended to include said minority owners, and (c) that concurrently therewith, the proceedings in Docket No. G-9607 be terminated.

The Commission finds: The action requested by Texaco is reasonable and consistent with efficient administration of the Natural Gas Act and should be granted as hereinafter provided. Accordingly, a separate order terminating the proceeding in Docket No. G-9607 will be issued.

The Commission orders: The first-mentioned order issued November 2, 1955, in Docket No. G-9609 be and is hereby amended as follows: (a) the title of the proceeding is amended to read, "In the Matter of The Texas Company (Operator) et al.", and (b) the first paragraph of the order is amended to read, "The Texas Company (Applicant) on behalf of itself as operator and on behalf of John L. Abercrombie and others, non-operators, on October 3, 1955, tendered \* \* \* (et cetera) "

Issued: November 1, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 56-9088; Filed, Nov. 7, 1956;  
8:48 a. m.]

[Docket No. G-10078 etc.]

SUPERIOR OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE  
OF HEARING

NOVEMBER 1, 1956.

In the matters of The Superior Oil Company, Docket No. G-10078; The Superior Oil Company, Docket No. G-10079; The Superior Oil Company,

Docket No. G-10080; The Superior Oil Company, Docket No. G-10081, The Superior Oil Company, Docket No. G-10082; The Atlantic Refining Company, Docket No. G-10086; Gulf Oil Corporation, Docket No. G-10127; Gulf Oil Corporation, Docket No. G-10128; Gulf Oil Corporation, Docket No. G-10129; Shell Oil Company, Docket No. G-10209; Shell Oil Company, Docket No. G-10210; Shell Oil Company, Docket No. G-10211; Shell Oil Company, Docket No. G-10212; Delhi-Taylor Oil Corporation, Docket No. G-10263; The Atlantic Refining Company, Docket No. G-10369; Delhi-Taylor Oil Corporation, Docket No. G-10901, Mayfair Minerals, Inc., Docket No. G-10905 C. G. Glasscock-Tidelands Oil Company, Docket No. G-10948; C. G. Glasscock-Tidelands Oil Company, Docket No. G-10949; C. C. Dauchy d/b/a Milam Drilling Company, Docket No. G-10952; Richard B. Lack, Docket No. G-10953; Clark Fuel Producing Company, Docket No. G-10977 Mrs. Mae Lusk and Charles M. Lusk, Docket No. G-11010; Colorado Oil and Gas Corporation, Docket No. G-11021, W. U. Paul, Docket No. G-11030; The Atlantic Refining Company, Docket No. G-11041, Clay Johnson, Jr., Docket No. G-11043; C. G. Glasscock-Tidelands Oil Company, Pontiac Refining Corp., Docket No. G-11048; B. F. Ussery d/b/a Melba Production Company, Docket No. G-11062; Christie, Mitchell and Mitchell Co., Docket No. G-11065; South Hutchins Producers, Inc., Docket No. G-11066; Texlamex Corporation, Docket No. G-11067; P. H. Welder, Docket No. G-11091; Cities Service Production Company, Docket No. G-11092; C. E. Starrett, Docket No. G-11105; J. Ray McDermott & Co., Inc., and as Agent for W. C. McBride, Inc., Docket No. G-11166; Shell Oil Company, Docket No. G-11171; Shell Oil Company, Docket No. G-11172; The Atlantic Refining Company, Docket No. G-11186; Seaboard Oil Company, Docket No. G-11213; North Withers Producers, Inc., Docket No. G-11218; Blair-Vreeland, Docket No. G-11239; Johnson & McCurdy, Docket No. G-11262; G. H. Vaughn, Jr., Docket No. G-11272.

Take notice that the persons captioned above, hereinafter jointly and severally referred to as Applicant, filed, as hereinafter indicated in the various dockets, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing each Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in each application which is on file with the Commission and open for public inspection.

Each Applicant in each docket as hereinafter indicated proposes to sell natural gas in interstate commerce from production of certain units, leases or acreage located as hereinafter indicated to Coastal Transmission Corporation for resale.

Docket Nos., Dates Filed, Applicants and Addresses; and Sources of Gas

G-10078; 8-9-56, 8-29-56; The Superior Oil Company, 400 Oil & Gas Building, Hous-

<sup>1</sup> Amended applications.

ton 2, Tex.; Algoa Field, Galveston County, Tex.

G-10079; 3-9-56, 8-29-56; <sup>1</sup> The Superior Oil Company, 400 Oil & Gas Building, Houston 2, Tex.; South Alvin Field, Brazoria County, Tex.

G-10080; 3-9-56, 8-29-56; <sup>1</sup> The Superior Oil Company, 400 Oil & Gas Building, Houston 2, Tex.; Monte Christo Field, Hidalgo County, Tex.

G-10081; 3-9-56, 8-29-56; <sup>1</sup> The Superior Oil Company, 400 Oil & Gas Building, Houston 2, Tex.; North Monte Christo Field, Hidalgo County, Tex.

G-10082; 3-9-56, 8-29-56; <sup>1</sup> The Superior Oil Company, 400 Oil & Gas Building, Houston 2, Tex.; Oblate Field, Hidalgo County, Tex.

G-10086; 3-12-56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex., East Corpus Christi Bay Field, Nueces County, Tex.

G-10127; 3-20-56; Gulf Oil Corporation, P. O. Box 1166, Pittsburgh 30, Pa., East Mustang Island Field, Nueces County, Tex.

G-10128; 3-20-56; Gulf Oil Corporation, P. O. Box 1166, Pittsburgh 30, Pa., East Corpus Christi Bay Field, Nueces County, Tex.

G-10129; 3-20-56; Gulf Oil Corporation, P. O. Box 1166, Pittsburgh 30, Pa., Lochridge Field, Brazoria County, Tex.

G-10209; 4-6-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y., Kain Field, Matagorda County, Tex.

G-10210; 4-6-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y., East White Point Field, San Patricio County, Tex.

G-10211; 4-6-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y., Monte Christo Field, Hidalgo County, Tex.

G-10212; 4-6-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y., Lochridge Field, Brazoria County, Tex.

G-10263; 4-16-56; Delhi-Taylor Oil Corporation, 8th Floor, Corrigan Tower, Dallas 1, Tex.; Yzaguirre, Garcia and Cortez Fields, Starr County; South McAllen Field, Hidalgo County; and McGill Field, Kenedy County; all in Texas.

G-10369; 5-8-56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; McGill Ranch Field, Kenedy County, Tex.

G-10901; 8-13-56; Delhi-Taylor Oil Corporation, 8th Floor, Corrigan Towers, Dallas 1, Tex.; Bay Natchez Field, Assumption and Iberville Parishes, La.

G-10905; 8-13-56; Mayfair Minerals, Inc., P. O. Box 991, McAllen, Tex.; South McAllen Field, Hidalgo County, Tex.

G-10948; 8-20-56; C. G. Glasscock-Tidelands Oil Company, 1601 Wilson Tower, Corpus Christi, Tex.; La Reforma Field, Starr and Hidalgo Counties, Tex.

G-10949; 8-20-56; C. G. Glasscock-Tidelands Oil Company, 1601 Wilson Tower, Corpus Christi, Tex.; Flores Field, Starr and Hidalgo Counties, Tex.

G-10952; 8-20-56; C. C. Dauchy d/b/a Milam Drilling Company, 1814 Alamo National Building, San Antonio, Tex.; Borosa Field, Starr County, Tex.

G-10953; 8-20-56; Richard B. Lack, 1614 Alamo National Building, San Antonio, Tex.; Borosa Field, Starr County, Tex.

G-10977; 8-27-56; Clark Fuel Producing Company, P. O. Box 473, Mission, Tex.; South Kelsey Field and Northeast Starr County Field, Starr County, Tex.

G-11010; 9-4-56; Mrs. Mae Lusk and Charles M. Lusk, No. 11 U-Tote'm Lane, Houston, Tex.; Lochridge Field, Brazoria County, Tex.

G-11021; 9-4-56; Colorado Oil and Gas Corporation, P. O. Box 749, Denver 1, Colo., Cayo del Oso Field, Nueces County, Tex.

G-11030; 9-6-56; W. U. Paul, 1122 First City National Bank Building, Houston, Tex.; Cameron Field and Borosa Field, Starr County, Tex.

<sup>1</sup> Amended applications.

G-11041; 9-10-56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; East Aransas Pass Field, Aransas County, Tex.

G-11043; 9-10-56; Clay Johnson, Jr., Suite 1703 Fair Building, Fort Worth 2, Tex.; Lochridge Field, Brazoria County, Tex.

G-11048; 9-10-56; C. G. Glasscock-Tidelands Oil Company, 1601 Wilson Tower and Pontiac Refining Corp., P. O. Box 1531, Corpus Christi, Tex.; West Fulton Beach Field, Aransas County, Tex.

G-11062; 9-11-56; B. F. Ussery d/b/a Melba Production Company, 616 Wilson Building, Corpus Christi, Tex.; South Driscoll Field, Nueces County, Tex.

G-11065; 9-11-56; Christie, Mitchell and Mitchell Co., 12th floor, Houston Club Building, Houston 2, Tex.; Palacios Field, Matagorda County, Tex.

G-11066; 9-12-56; South Hutchins Producers, Inc., 12th floor Fort Worth National Bank Building, Fort Worth, Tex.; South Hutchins Field, Wharton County, Tex.

G-11067; 9-12-56; Texlamex Corporation, 12th floor, Fort Worth National Bank Building, Fort Worth, Tex.; Blind Pans Field, Aransas County, Tex.

G-11091; 9-17-56; P. H. Welder, P. O. Box 604, Victoria, Tex.; McCook Field, Hidalgo County, Tex.

G-11092; 9-17-56; Cities Service Production Company, Cities Service Building, Bartlesville, Okla., Bay Natches Field, Assumption and Iberville Parishes, La.

G-11105; 9-18-56; C. E. Starrett, Refugio, Tex.; Old Refugio Field, Refugio County, Tex.

G-11156; 9-28-56; J. Ray McDermott & Co., Inc., and W. C. McBride, Inc., 14th floor, Houston Club Building, Houston 2, Tex.; East Aransas Pass Field, Aransas County, Tex.

G-11171; 10-1-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y., Mystic Bayou Field, St. Martin Parish, La.

G-11172; 10-1-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y., Oblate Field, Hidalgo County, Tex.

G-11186; 10-5-56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; Palacios Field, Matagorda County, Tex.

G-11213; 10-8-56; Seaboard Oil Company, Continental Building, Dallas, Tex.; South Clara Driscoll Field, Nueces County, Tex.

G-11218; 10-8-56; North Withers Producers, Inc., 12th floor, Fort Worth National Bank Building, Fort Worth, Tex.; North Withers Field, Wharton County, Tex.

G-11239; 10-15-56; Blair-Vreeland, P. O. Box 2413, Corpus Christi, Tex.; Hinde Field, Los Magueyes Area, Starr County, Tex.

G-11262; 10-19-56; Johnson & McCurdy, Suite 1703 Fair Building, Fort Worth 2, Tex.; Lochridge Field, Brazoria County, Tex.

G-11272; 10-22-56; G. H. Vaughn, Jr. and Texas Calgary Company, 1120 Mercantile Securities Building, Dallas 1, Tex.; Angelita North Field, San Patricio County, Tex.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, November 29, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the pro-

ceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 19, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 56-9083; Filed, Nov. 7, 1956; 8:48 a. m.]

[Docket No. G-10524]

MICHIGAN WISCONSIN PIPE LINE CO.

ORDER GRANTING CONTINUANCE OF HEARING

On October 24, 1956, Commission Staff filed a motion for a continuance of the date of hearing in this proceeding. In support of its motion, Commission Staff states that the continuance is requested to enable it to complete a field investigation of the operations, books and records of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and to prepare testimony and exhibits as might be deemed necessary.

The motion further points out that this proceeding was initiated by filing made by Michigan Wisconsin on May 15, 1956, for an increase in rates and charges. The proposed increases were suspended by Commission order issued June 7, 1956, until November 15, 1956. In the interval since the suspension of the proposed increase, hearings in this proceeding have progressed through completion of cross-examination of the company's witnesses, but unavailability of Commission Staff personnel has prevented accomplishment of the necessary field investigation prior to this time.

Concurrences in the Staff's motion were filed by the Public Service Commission of Wisconsin on October 31, 1956, and by the City of Detroit, Michigan, on November 1, 1956. Answer to that motion was also filed by Michigan Wisconsin on November 1, 1956.

The Commission finds: Good cause has been shown to justify a continuance of hearing in these proceedings as herein-after ordered for the purposes stated in the Staff's motion.

The Commission orders: The hearing in this proceeding hereby is continued to reconvene on January 7, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Commission, 441 G Street NW., Washington, D. C.

Issued: November 1, 1956.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 56-9090; Filed, Nov. 7, 1956; 8:48 a. m.]

## NOTICES

[Docket No. G-10886]

TEXAS GAS TRANSMISSION CORP.

NOTICE SETTING DATE OF HEARING

NOVEMBER 2, 1956.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 19, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application in the above-entitled matter: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Due notice of the application filed herein has been published in the FEDERAL REGISTER on September 18, 1956 (21 F. R. 7011-12). No protests or petitions to intervene have been received.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 56-9084; Filed, Nov. 7, 1956;  
8:47 a. m.]

[Project No. 2219]

GARKANE POWER ASSOCIATION, INC.

NOTICE OF APPLICATION FOR LICENSE

NOVEMBER 2, 1956.

Public notice is hereby given that Garkane Power Association, Inc. of Richfield, Utah, has filed an application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed Project No. 2219 located on the East and West Forks of Boulder Creek, a tributary of Escalante River, in Garfield County, Utah, affecting lands of the United States within the Dixie National Forest, and consisting of initial development located on the East Fork of Boulder Creek composed of: an earth fill dam 25 feet in height with an ogee concrete spillway 34 feet long; 22,200 feet of 34 to 30-inch steel penstock; a powerhouse containing two 1,975 h. p. impulse turbines operating under a static head of 1,527 feet connected to two 1,400 Kw generators; with provisions for an additional unit; switchyard; a transmission line extending about 19 miles to a substation at Escalante and other appurtenant facilities; and future development composed of: a rock fill dam 10 feet high and 50 feet long on West Fork of Boulder Creek diverting the flow through a 24-inch steel pipe to the East Fork Boulder Creek Reservoir.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10)

The last date upon which protests may be filed is December 3, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 56-9086; Filed, Nov. 7, 1956;  
8:47 a. m.]

[Docket No. G-10946, etc.]

GULF REFINING CO. ET AL.

NOTICE SETTING DATE OF HEARING

NOVEMBER 2, 1956.

In the matters of Gulf Refining Company, Docket No. G-10946; H. L. Hawkins, H. L. Hawkins, Jr., Louis J. Roussel, Frank S. Kelly, Jr., Docket No. G-11031, Benedum-Trees Oil Company, Docket No. G-11056.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 19, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the respective applications in the above-entitled matters: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Due notice of the applications filed herein has been published in the FEDERAL REGISTER on October 25, 1956 (21 F. R. 8202-03). No protests or petitions to intervene have been received.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 56-9085; Filed, Nov. 7, 1956;  
8:47 a. m.]

[Project No. 2222]

DAIRYLAND POWER COOPERATIVE

NOTICE OF APPLICATION FOR PRELIMINARY  
PERMIT

NOVEMBER 1, 1956.

Public notice is hereby given that Dairyland Power Cooperative, of La Crosse, Wisconsin, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for a preliminary permit for proposed water-power Project No. 2222, to be located on the Chippewa River in Buffalo, Dunn, Eau Claire, and Pepin Counties, Wisconsin, and to consist of: (1) Mile 4.2 Site, a dam comprised of a concrete gated spillway section, a powerhouse section and earth embankment sections; a reservoir with normal water surface at elevation 705.0 feet; a powerhouse with a proposed installation of 45,000 kilowatts; and appurtenant me-

chanical and electrical facilities; Mile 18.5 Site, a dam comprised of a concrete gated spillway section, a powerhouse section and earth embankment sections; a reservoir with normal water surface at elevation 732.0 feet; a powerhouse with a proposed installation of 45,000 kilowatts; and appurtenant mechanical and electrical facilities; and Mile 29.6 Site, a dam comprised of a concrete gated spillway section, a powerhouse section, and earth embankment sections, a reservoir with normal water surface at elevation 755.0 feet and an area of about 14,000 acres; a powerhouse with a proposed installation of 45,000 kilowatts; and appurtenant mechanical and electrical facilities. Applicant proposes also to study an alternative plan at this site with the pool elevation at 763.0 feet. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is December 6, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 56-9091; Filed, Nov. 7, 1956;  
8:48 a. m.]INTERSTATE COMMERCE  
COMMISSION

[Notice 137]

MOTOR CARRIER APPLICATIONS

NOVEMBER 2, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING  
OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 954 Sub 49, filed October 16, 1956, MID-STATES FREIGHT LINES, INC., 5200 S. Pulaski Road, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 S. LaSalle St., Chicago 3, Ill. For authority to operate as a common carrier transporting: General commodities, except livestock, Class A and B explosives, inflammables, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission, serving the site of the Ford Motor Company plant

located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Cleveland, Ohio over U. S. Highways 41 and 6. Applicant is authorized to conduct operations in Kansas, Missouri, Iowa, Indiana, Illinois, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, and Rhode Island.

**HEARING:** December 13, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 1124 Sub 132, filed July 2, 1956, **HERRIN TRANSPORTATION COMPANY**, a corporation, 2301 McKinney Ave., Houston, Tex. Applicant's representative: Leroy Hallman, First National Bank Bldg., Dallas 2, Tex. Issues published in **FEDERAL REGISTER** of September 12, 1956.

**HEARING:** January 28, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Gerald F. Colfer.

No. MC 1124 Sub 133, filed October 1, 1956, **HERRIN TRANSPORTATION COMPANY**, a corporation, 2300 Walker Avenue, Houston, Tex. Applicant's representative: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Dallas, Tex., and Shreveport, La., over U. S. Highway 80, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular-route operations between (1) Houston, Tex., and Shreveport, La., (2) Lake Charles, La., and Shreveport, La., (3) Galveston and Fort Worth, Tex., and (4) alternate-route operations between Dallas and Athens, Tex. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, Tennessee and Texas.

**NOTE:** In Certificate No. MC 1124 Sub 104, applicant is authorized to transport *explosives*, over an alternate route between Dallas, Tex., and Shreveport, La., over U. S. Highway 80, serving no intermediate points. In Certificate No. MC 1124 Sub 80, applicant is authorized to transport *empty vehicles* used in operations otherwise authorized, over a regular route, between Dallas, Tex., and Shreveport, La., over U. S. Highway 80.

**HEARING:** January 28, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 32.

No. MC 1441 Sub 14, filed August 9, 1956, **MERRILL MOTOR LINE, INC.**, 2520 N. E. 35th St., Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas 2, Tex. Issues published in **FEDERAL REGISTER** of August 29, 1956.

**HEARING:** January 25, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 1649 Sub 59, filed September 19, 1956, **RAILWAY EXPRESS MOTOR TRANSPORT, INCORPORATED**, 1003 N. Meridian St., Indianapolis, Ind. Applicant's representative: O. R. Livinghouse, 617 Bankers Trust Bldg., Indianapolis 4, Ind. For authority to operate

as a *common carrier* over regular routes, transporting: *General commodities*, moving in express service, between Covington, Ind. and the Indiana-Illinois State line over U. S. Highway 136, serving all intermediate points. Applicant is authorized to conduct operations in Indiana.

**HEARING:** December 18, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 1713 Sub 2, filed October 15, 1956, **DORSEY OWINGS**, Simpsonville, Md. Applicant's representative: Francis J. Ortmann, 1366 National Press Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Paper waste* in mechanical bales, from Baltimore, Md., and Washington, D. C., to Richmond and Hopewell, Va., and (2) *rags*, from Richmond, Va., to Baltimore, Md. Applicant is authorized to conduct operations in Maryland, Pennsylvania, West Virginia and the District of Columbia.

**NOTE:** Any duplication with present authority should be eliminated.

**HEARING:** December 12, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 2202 Sub 150, filed August 31, 1956, **ROADWAY EXPRESS, INC.**, 147 Park Street, Akron 9, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue, N. W., Washington 6, D. C. Issues published in the **FEDERAL REGISTER** of September 19, 1956.

**HEARING:** December 13, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 4405 Sub 284, filed October 11, 1956, **DEALER TRANSIT, INC.**, 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, in initial movements, in truckaway service, from Selma, Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** December 14, 1956, at Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 8681 Sub 51, filed July 30, 1956, **WESTERN AUTO TRANSPORTS, INC.**, 430 S. Navajo St., Denver 9, Colo. Applicant's representative: Louis E. Smith, 1800 N. Meridian St., Indianapolis 2, Ind. Issues published in **FEDERAL REGISTER** of August 15, 1956.

**HEARING:** January 11, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 10761 Sub 61, filed September 10, 1956, **TRANSAMERICAN FREIGHT LINES, INC.**, 1700 N. Waterman Ave., Detroit 9, Mich. Applicant's representative: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. Issues published in **FEDERAL REGISTER** of September 19, 1956.

**HEARING:** December 14, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 10928 Sub 31, filed August 29, 1956, **SOUTHERN-PLAZA EXPRESS, INC.**, 2001 Irving Blvd., Dallas, Tex. Applicant's representative: Rollo E. Kidwell, 305 Empire Bank Bldg., Dallas 1, Tex. For authority to operate as a *common carrier* transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Owentown, Tex., located approximately five (5) miles from Tyler, Tex., as an off-route point in connection with applicant's authorized regular route operations to and from Tyler, Tex. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, Oklahoma, Tennessee, and Texas.

**HEARING:** January 31, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 11185 Sub 99, filed August 28, 1956, **J-T TRANSPORT COMPANY, INC.**, 3501 Manchester Trafficway, Kansas City, Mo. Applicant's representative: Wrape and Hernly, Sterick Bldg., Memphis 3, Tenn. Issues published in **FEDERAL REGISTER** of September 12, 1956.

**HEARING:** January 7, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 11910 Sub 11, filed October 16, 1956, **ST. LOUIS-NASHVILLE FREIGHT LINES, INC.**, 1313 N. 13th St., St. Louis 6, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including household goods as defined by the Commission and commodities requiring special equipment, but excluding commodities of unusual value, Class A and B explosives, inflammable articles, livestock, and commodities in bulk, between Evansville, Ind., and the Alcoa Warrick Plant near Yankeetown, Ind., from Evansville over Indiana Highway 66 to the Alcoa Warrick Plant and return over the same route serving no intermediate points. Applicant is authorized to conduct operations in Indiana and Illinois.

**HEARING:** December 20, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 13087 Sub 13, filed July 26, 1956, **FRED J. STOCKBERGER**, doing business as **STOCKBERGER TRANSFER & STORAGE**, 524 Second St., S. W., Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Issues published in **FEDERAL REGISTER** of August 15, 1956.

**HEARING:** January 14, 1956, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 17226 Sub 11, filed August 14, 1956, **FRUIT BELT MOTOR SERVICE, INC.**, 3909 W. Harrison St., Chicago 24, Ill. Applicant's representative: Eugene L. Cohn, No. 1 N. LaSalle St., Chicago 2, Ill. Issues published in **FEDERAL REGISTER** of August 29, 1956.

**HEARING:** January 14, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 20783 Sub 32, filed August 16, 1956, **TOMPKINS MOTOR LINES, INC.**,



1000 Third Ave., North, Nashville, Tenn. Applicant's representative: James Clarence Evans, Third National Bank Bldg., Nashville 3, Tenn. Issues published in FEDERAL REGISTER of September 19, 1956.

**HEARING:** January 18, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 20783 Sub 33, filed October 12, 1956, TOMPKINS MOTOR LINES, INC., 1000 Third Avenue, North, Nashville, Tenn. Applicant's representative: James Clarence Evans, Third National Bank Building, Nashville 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Citrus products*, and *citrus products when combined with other fruits and/or vegetables or products of other fruits and/or vegetables*, not frozen, in refrigerated equipment, from points in Florida to Atlanta, Ga., and Chattanooga and Nashville, Tenn. Applicant is authorized to conduct operations in Alabama, North Carolina, South Carolina, Florida, Georgia and Tennessee.

**HEARING:** January 28, 1957, at the U. S. Court Rooms, Tampa, Fla., before Joint Board No. 102.

No. MC 23986 Sub 10, filed August 27, 1956, BLAIR TRANSIT COMPANY, 142 Davenport St., Saginaw, Mich. Applicant's representative: Carl H. Smith, Sr., 210-14 Phoenix Bldg., Bay City, Mich. Issues published in FEDERAL REGISTER of September 19, 1956.

**HEARING:** December 14, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 26739 Sub 18, filed August 21, 1956, WAGNER FREIGHT LINES, INCORPORATED, Transport Building, St. Joseph, Mo. Applicant's representative: Charles W. Singer, 1825 Jefferson Place, N. W., Washington 6, D. C. Issues published in FEDERAL REGISTER of September 12, 1956.

**HEARING:** January 14, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 28439 Sub 68, filed August 15, 1956, DAILY MOTOR EXPRESS, INC., Pitt & Penn Streets, Carlisle, Pa. Applicant's representative: James E. Wilson, Continental Bldg., 14th Street at K Northwest, Washington, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

**HEARING:** December 13, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 28813 Sub 18, filed September 4, 1956, MOTOR EXPRESS, INC. OF INDIANA, 701 Illinois Bldg., Indianapolis, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. Issues published in FEDERAL REGISTER of September 26, 1956.

**HEARING:** December 19, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 30319 Sub 74, filed September 4, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 N. San Jacinto St., P. O. Box 4054, Houston, Tex. Applicant's representative: G. D. Clark, P. O. Box 4054, Houston, Tex. Issues published in FEDERAL REGISTER of September 19, 1956.

**HEARING:** January 18, 1957, at the Federal Office Bldg., Franklin & Fannin St., Houston, Tex., before Joint Board No. 77.

No. MC 31395 Sub 6, filed October 10, 1956, G & W TRUCK LINE, INC., 202 South Washington St., Wichita, Kans. Applicant's representative: J. Wm. Townsend, 204-206 Central Bldg., Topeka, Kans. For authority to operate as a *contract carrier* over irregular routes, transporting: *Malt beverages* and *advertising matter* from Kansas City, Mo., to points in Kansas, Nebraska, Colorado, and Oklahoma, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return. Applicant is authorized to conduct operations in Illinois, Missouri, Nebraska, and Kansas.

**HEARING:** January 15, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 31600 Sub 413, filed September 13, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary St., Waltham 24, Mass. Issues published in FEDERAL REGISTER of September 26, 1956.

**HEARING:** December 7, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 43038 Sub 400, filed July 2, 1956, COMMERCIAL CARRIERS, INC., 3399 E. McNichols Road, Detroit 12, Mich. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Issues published in FEDERAL REGISTER of July 18, 1956.

**HEARING:** January 18, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 98.

No. MC 45656 Sub 7, filed August 21, 1956, ANDERSON TRUCK LINE, INC., 115 Powell Avenue, Lenoir, N. C. Applicant's representative: A. W. Flynn, Jr., 201-204 Jefferson Building, Greensboro, N. C. Issues published in FEDERAL REGISTER of September 6, 1956.

**HEARING:** January 11, 1957, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner C. Evans Brooks.

No. MC 52405 Sub 3, filed August 16, 1956, SCOTT BROS., INCORPORATED, 1000 South Broad St., Philadelphia 46, Pa. Applicant's representative: Gilbert Nurick, Commerce Building, P. O. Box 432, Harrisburg, Pa. Issues published in FEDERAL REGISTER of September 6, 1956.

**HEARING:** December 14, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 52460 Sub 35, filed August 1, 1956, HUGH BREEDING, INC., 1420 West 35th Street, P. O. Box 9515, Tulsa, Okla. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. Issues published in FEDERAL REGISTER of August 22, 1956.

**HEARING:** January 7, 1957, at the Hotel Pickwick, Kansas City Mo., before Examiner Harold W. Angle.

No. MC 52657 Sub 491, filed July 23, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: G. W. Stephens, 121 West Doty Street, Madison,

Wis. Issues published in FEDERAL REGISTER of August 8, 1956.

**HEARING:** January 17, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 52657 Sub 492, filed July 23, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: G. W. Stephens, 121 West Doty Street, Madison 3, Wis. Issues published in FEDERAL REGISTER of August 8, 1956.

**HEARING:** January 17, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 59317 Sub 5, filed June 4, 1956, E. C. BISON, 211 West Third St., North, Newton, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. Issues published in FEDERAL REGISTER of June 13, 1956.

**HEARING:** January 3, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 60076 Sub 15, filed July 20, 1956, VERN F. WARNER, CLIFFORD V. WARNER, AND KEITH D. WARNER, doing business as V. F. WARNER AND SONS, 104 West Charles Street, Champaign, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Issues published in FEDERAL REGISTER of August 1, 1956.

**HEARING:** January 16, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 68909 Sub 48, filed October 19, 1956, DECATUR CARTAGE CO., a Corporation, 1934 S. Wentworth Avenue, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except livestock, Class A and B explosives, inflammables, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission, serving the site of the Ford Motor Company plant located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Cleveland, Ohio, over U. S. Highway 20. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri and Ohio.

**HEARING:** December 13, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 70451 Sub 183, filed June 7, 1956, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. Issues published in FEDERAL REGISTER of June 20, 1956.

**HEARING:** January 17, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Donald R. Sutherland.

No. MC 70470 Sub 5, filed August 28, 1956, FILM TRANSPORT CO., 1112 Capitol Ave., Omaha, Nebr. Applicant's representative: C. A. Ross, 1004-05 Trust Bldg., Lincoln 8, Nebr. Issues published in FEDERAL REGISTER of September 19, 1956.

**HEARING:** December 14, 1956, at the Rome Hotel, Omaha, Nebr., before Joint Board No. 138.

No. MC 71827 Sub 3, filed August 16, 1956, I. E. RIDDLE, doing business as RIDDLE TRUCK LINE, 432 North 1st West, Cedar City, Utah. Applicant's representative: Macoy A. McMurray, Newhouse Bldg., Salt Lake City 11, Utah. Issues published in *FEDERAL REGISTER* of September 19, 1956.

**HEARING:** December 11, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 75527 Sub 17, filed October 19, 1956, LAHN TRANSPORTATION, a Corporation, P. O. Box 17, Bridgeton, N. J. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Returned glassware*, from points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia, to Bridgeton and Salem, N. J. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia.

**HEARING:** December 11, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 79695 Sub 16, filed October 11, 1956, STEEL TRANSPORTATION COMPANY, INC., 400 Cline Ave., East Chicago, Ind. Applicant's representative: Robert W. Loser, 317 Chamber of Commerce Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, from Aurora, Ind., to points in Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, Iowa, Ohio, and Wisconsin.

**HEARING:** December 19, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 80430 Sub 84, filed October 16, 1956, GATEWAY TRANSPORTATION CO., 2130 South Ave., LaCrosse, Wis. Applicant's representative: Carl L. Steiner, 39 S. LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except livestock, Class A and B explosives, inflammables, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission, serving the site of the Ford Motor Company plant located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Toledo, Ohio and Cleveland, Ohio over Ohio Highways 2 and 254 and U. S. Highway 6. Applicant is authorized to conduct operations in Illinois, Missouri, Iowa, Minnesota, Wisconsin, Ohio and Michigan.

**HEARING:** December 13, 1956, in Room 255, New Post Office Building, Co-

lumbus, Ohio, before Joint Board No. 117.

No. MC 89723 Sub 17, filed October 18, 1956, MISSOURI PACIFIC FREIGHT TRANSPORT COMPANY, a Corporation, 1218 Olive Street, St. Louis 3, Mo. Applicant's representative: Walter G. Treanor, Missouri Pacific Railroad Company, Missouri Pacific Building, St. Louis 3, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives* (covered by rail or express tariffs) (a) between Wichita, Kans., and the junction of Kansas Highways 14 and 4, approximately 3 miles west of Geneseo, Kans., from Wichita, over Kansas Highway 96 to junction Kansas Highway 14, thence over Kansas Highway 14 to junction Kansas Highway 4, approximately 3 miles west of Geneseo, and return over the same route; and (b) between Haven, Kans., and Hutchinson, Kans., over unnumbered county roads, serving all points on the line of the Missouri Pacific Railroad Company between the above-specified origins and destinations. **RESTRICTION:** Proposed operations to be limited to traffic which has had a prior or will have a subsequent movement by railroad. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Nebraska and Tennessee.

**HEARING:** December 13, 1956, at the Kansan Hotel, Topeka, Kans., before Joint Board No. 52.

No. MC 92722 Sub 10, filed June 14, 1956, ROBERT R. WALKER, INC., 1818 W. Sample St., P. O. Box 206, South Bend, Ind. Applicant's representative: Wilmer A. Hill, Transportation Bldg., Washington, D. C. Issues published in *FEDERAL REGISTER* of July 4, 1956.

**HEARING:** January 10, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 92983 Sub 172, filed July 20, 1956, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. Issues published in *FEDERAL REGISTER* of August 1, 1956.

**HEARING:** January 16, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 92983 Sub 179, filed September 21, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *Paint and paint materials*, in bulk, in tank vehicles, from Houston, Tex., to Kansas City, Mo. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Minnesota, Missouri and Texas.

**HEARING:** January 16, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 93980 Sub 25, filed July 20, 1956, VANCE TRUCKING COMPANY, INCORPORATED, Dabney Drive, Box 336, Henderson, N. C. Applicant's representative: James E. Wilson, Continental Building, Fourteenth at K Northwest, Washington 5, D. C. Issues published in *FEDERAL REGISTER* of August 1, 1956.

**HEARING:** January 9, 1957, at the North Carolina Utilities Commission

State Library Building, Morgan Street, Raleigh, N. C., before Examiner C. Evans Brooks.

No. MC 95540 Sub 273, filed July 27, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. Issues published in *FEDERAL REGISTER* of August 15, 1956.

**HEARING:** January 24, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 95540 Sub 274, filed July 31, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. Issues published in *FEDERAL REGISTER* of August 15, 1956.

**HEARING:** January 4, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Edward Kobernusz.

No. MC 95540 Sub 275, filed August 13, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. Issues published in *FEDERAL REGISTER* of August 29, 1956.

**HEARING:** January 9, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 95540 Sub 276, filed September 17, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. Issues published in *FEDERAL REGISTER* of September 26, 1956.

**HEARING:** January 9, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 95540 Sub 277, filed October 15, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Florida to points in Illinois, on and west of U. S. Highway 51 and on and north of U. S. Highway 40.

**HEARING:** January 9, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 95649 Sub 1, filed August 8, 1956, NED A. BEEMAN, Laceyville, Pa. Applicant's representative: Paul H. Price, 609 Scranton Lackawanna Trust Building, Scranton, Pa. Issues published in *FEDERAL REGISTER* of September 6, 1956.

**HEARING:** December 13, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 99530 Sub 1, filed August 31, 1956, GERALD H. BOSTWICK, doing business as BUTTE DILLON FREIGHT LINES, 710 South Pacific Street, Dillon, Mont. Issues published in *FEDERAL REGISTER* of September 19, 1956.

**HEARING:** December 14, 1956, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 83.

No. MC 97998 Sub 2, filed June 20, 1956, REFRIGERATED TRANSPORT, INC.,

318 Cadiz St., Dallas, Tex. Applicant's representative: Carl L. Phinney, First National Bank Bldg., Dallas 9, Tex. Issues published in FEDERAL REGISTER of July 25, 1956.

**HEARING** January 23, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 101280 Sub 9, filed August 13, 1956, FRANCIS BLACK, 1201 S. Central, Paris, Ill. Applicant's representative: Mack Stephenson, 208 East Adams St., Springfield, Ill. Issues published in FEDERAL REGISTER of September 12, 1956.

**HEARING** January 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 103993 Sub 74, filed August 1, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 W Market Street, Indianapolis 4, Ind. Issues published in FEDERAL REGISTER of August 29, 1956.

**HEARING** January 28, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 103993 Sub 75, filed August 30, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's representative: John E. Lesow, 632 Illinois Bldg., 17 W Market Street, Indianapolis 4, Ind. Issues published in FEDERAL REGISTER of September 12, 1956.

**HEARING** January 11, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Richard Yardley.

No. MC 104347 Sub 120, filed October 11, 1956, LEAMAN TRANSPORTATION CORPORATION, 520 E. Lancaster Ave., Downingtown, Pa. Applicant's representative: Gerald L. Phelps, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum oil additives*, in bulk, in tank vehicles, from Bristol, Pa., to points in Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Virginia.

**HEARING** December 10, 1956, at the Office of the Interstate Commerce Commission, before Examiner Harold P. Boss.

No. MC 106200 Sub 5, filed August 7, 1956, HOFFMAN TRANSFER, INC., 12204 East 47th Street, Independence, Mo. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. Issues published in FEDERAL REGISTER of August 22, 1956.

**HEARING** January 8, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 106379 Sub 29, filed June 25, 1956, GULF SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 5812 Brock Street, Houston, Tex. Applicant's representative: Joe G. Fender, Melrose Bldg., Houston 2, Tex. Issues published in FEDERAL REGISTER of July 11, 1956.

**HEARING** January 16, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Joint Board No. 246.

No. MC 106398 Sub 70, filed September 28, 1956, NATIONAL TRAILER CONVOY, INC., 1916 N. Sheridan Rd., (P. O.

Box 8096 Dawson Station) Tulsa 15, Okla. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 W Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway service, from the plant site of Guerdon Industries, Inc., located approximately one-half mile north of the city limits of Lake City, Fla., on U. S. Highway 41 to points in the United States, (2) *House trailer undercarriages*, or *component parts of such undercarriages*, from points in the United States to points in Florida. Applicant is authorized to conduct operations in Kansas, Utah, Oklahoma, Indiana, California, Texas, Florida, Arizona, Georgia, Illinois, Colorado, Missouri, Idaho, New York, Maryland, Pennsylvania, Virginia, Wisconsin, New Jersey Minnesota and the District of Columbia.

**HEARING** January 11, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Richard Yardley.

No. MC 106644 Sub 32, filed August 3, 1956, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place, N. E., Atlanta, Ga. Applicant's representative: Reuben G. Crumm, Eight-O-Five Peachtree Street Bldg., Atlanta 5, Ga. Issues published in FEDERAL REGISTER of September 19, 1956.

**HEARING** December 13, 1956, at the Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 107012 Sub 22, filed October 26, 1956, NORTH AMERICAN VAN LINES, INC., P. O. Box 988 Fort Wayne, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *Uncrated pianos and musical instruments and parts thereof* when transported in connection therewith, from Corinth, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, *damaged or defective pianos and musical instruments*, on return.

**HEARING** December 7, 1956, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 107064 Sub 13, filed July 13, 1956, FERGUSON-STEERE MOTOR COMPANY, a corporation, P. O. Box 285, Albuquerque, N. Mex. Applicant's representative: Rollo E. Kidwell, 305 Empire Bank Bldg., Dallas 1, Tex. Issues published in FEDERAL REGISTER of August 1, 1956.

**HEARING** January 31, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 33.

No. MC 107107 Sub 80 (amended October 3, 1956, and further amended October 12, 1956), published on page 7359, issue of September 26, 1956, filed September 11, 1956, ALTERMAN TRANSPORT LINES, INC., Office: 2424 N. W. 46th St., Mailing: P. O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting:

*Canned goods*, from points in Florida to points in Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Illinois, Indiana, Kansas, South Dakota, Ohio, Arkansas, Louisiana, Michigan, Oklahoma, and points in Texas on and east of U. S. Highway 281.

**HEARING** January 14, 1957, at the Angebilt Hotel, Orlando, Fla., before Examiner Richard Yardley.

No. MC 107107 Sub 81, filed September 11, 1956, ALTERMAN TRANSPORT LINES, INC., Office Address: 242 N. W. 46th St., Mailing Address: P. O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Canned goods*, from points in Florida to points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia.

**HEARING** January 14, 1957, at the Angebilt Hotel, Orlando, Fla., before Examiner Richard Yardley.

No. MC 107227 Sub 41, filed October 22, 1956, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's representative: Reginald L. Vaughan, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used luggage trailers* designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, from points in Arizona, California, Nevada, Oregon, and Washington to points in the District of Columbia and Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

**HEARING** December 13, 1956, at Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107272 Sub 12, filed October 12, 1956, MONKEM COMPANY, INC., 601 North High St., Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Bldg., P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier* over irregular routes, transporting: *Ammonium nitrate fertilizer, fertilizer compounds* (manufactured), dry in bags, from the site of the Spencer Chemical Company Plant at or near Military Kansas, to points in Illinois, Indiana, Ohio, Kentucky, Mississippi, Tennessee, Louisiana and Alabama. Applicant is authorized to conduct operations in Kansas, Missouri, Oklahoma, Arkansas, Nebraska and Iowa.

**HEARING** January 15, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 107403 Sub 220, filed August 23, 1956, E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's representative: Paul F.

Barnes, 811-19 Lewis Tower Building, Philadelphia 2, Pa. Issues published in *FEDERAL REGISTER* of September 6, 1956.

**HEARING.** December 10, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 107409 Sub 10 (amended), filed July 5, 1956, **RATLIFF AND RATLIFF, INC.**, P. O. Box 399, Wadesboro, N. C. Applicant's representative: Vaughn S. Winborne, Security Bank Bldg., Raleigh, N. C. Issues published in *FEDERAL REGISTERS* of July 25, 1956 and August 8, 1956.

**HEARING.** January 31, 1957, at the U. S. Court Rooms, Charlotte, N. C., before Examiner C. Evans Brooks.

No. MC 107477 Sub 6, filed August 13, 1956, **AUTO EXPRESS, INC.**, Route 1, Box 812, Dinsmore, Fla. Applicant's representative: Dan R. Schwartz, Suite 713 Professional Building, Jacksonville 2, Fla. Issues published in *FEDERAL REGISTER* of August 29, 1956.

**HEARING.** January 18, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner C. Evans Brooks.

No. MC 107496 Sub 82, filed August 10, 1956, **RUAN TRANSPORT CORPORATION**, 408 S. E. 30th St., Des Moines, Iowa. Issues published in *FEDERAL REGISTER* of August 22, 1956.

**HEARING.** January 16, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 107515 Sub 230, filed June 1, 1956, **REFRIGERATED TRANSPORT CO., INC.**, 290 University Ave., S. W., Atlanta, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. Issues published in *FEDERAL REGISTER* of June 27, 1956.

**HEARING.** January 18, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 107515 Sub 237, filed September 26, 1956, **REFRIGERATED TRANSPORT CO., INC.**, 290 University Ave., S. W., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a common carrier, over irregular routes; transporting: (1) *Frozen foods*; (2) *citrus products*, unfrozen, requiring refrigeration and transported in vehicles equipped with mechanical refrigeration, from points in Georgia, Alabama and Florida to points in Colorado. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia and Wisconsin.

**HEARING.** January 17, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 108228 Sub 9, filed May 11, 1956, **ADAMS AND COMPANY**, A Florida Corporation, U. S. Highway #92 at West City Limits, Lakeland, Fla. Applicant's representative: Wm. Reece Smith, Jr., First National Bank Building, P. O. Box 3239, Tampa 1, Fla. Issues published in *FEDERAL REGISTER* of June 13, 1956.

**HEARING.** January 21, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 108461 Sub 47, filed July 16, 1956, **WHITFIELD TRANSPORTATION, INC.**, 200 W. Amador, P. O. Box 1350, Las Cruces, N. Mex. Applicant's representatives: Frank Owen, III, and Truman A. Stockton, Jr., 13th Floor Bassett Tower, El Paso, Tex. Issues published in *FEDERAL REGISTER* of September 5, 1956.

**HEARING.** January 10, 1957, at the Hotel Paso Del Norte, El Paso, Tex., before Examiner Gerald F. Colfer.

No. MC 108543 Sub 5, filed June 4, 1956, G. C. **HINRICHS**, doing business as **HINRICHS TRUCK LINE**, 723 Seventh St., Ida Grove, Iowa. Applicant's representative: William A. Landau, 1307 E. Walnut St., Des Moines 16, Iowa. Issues published in *FEDERAL REGISTER* of June 20, 1956.

**HEARING.** January 7, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 109397 Sub 16, filed August 9, 1956, **TRI-STATE WAREHOUSING AND DISTRIBUTING CO.**, 315 E 7th Street, P. O. Box 113, Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Building, Joplin, Mo. Issues published in *FEDERAL REGISTER* of August 22, 1956.

**HEARING.** January 10, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 109451 Sub 61, (Amended) filed August 31, 1956, **ECOFF TRUCKING, INC.**, 112 Merrill Street, Fortville, Ind. Applicant's representative: Maurice Bishop, 325 Frank Nelson Bldg., Birmingham, Ala. Issues published in *FEDERAL REGISTER* of September 12, 1956.

**HEARING.** December 18, 1956, at Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 109465 Sub 7, filed July 3, 1956, **GREAT LAKES SOLVENTS, INC.**, 2530 West Bloomingdale Ave., Chicago 47, Ill. Applicant's representative: Floyd F. Shields, Title and Trust Bldg., Chicago 2, Ill. Issues published in *FEDERAL REGISTER* of July 18, 1956.

**HEARING.** January 8, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 110157 Sub 10, filed August 6, 1956, C. M. **LANG AND C. R. GIVENS**, doing business as **LANG TRANSIT COMPANY**, P. O. Box 1625, 2504 Texas Ave., Lubbock, Tex. Applicant's representative: W. D. Benson, Jr., Suite 1105, Great Plains Life Building, Lubbock, Tex. Issues published in *FEDERAL REGISTER* of August 22, 1956.

**HEARING.** January 7, 1957, at the Herring Hotel, Amarillo, Tex., before Joint Board No. 77.

No. MC 110388 Sub 2, **UNION PACIFIC MOTOR FREIGHT COMPANY**, a corporation, 1416 Dodge Street, Omaha, Nebr. Applicant's representative: W. R. Rouse, Vice President and Western General Counsel, U. P. R. Co., 1416 Dodge Street, Omaha, Nebr. **PETITION FOR MODIFICATION OF KEY POINT RE-**

**STRICTIONS.** Petitioner was issued a Certificate (corrected) dated December 21, 1949, to transport, *General commodities*, except household goods, as defined by the Commission, petroleum products in bulk, in tank trucks, livestock (other than individual animals moving in express service) and commodities which because of their size or weight require the use of special equipment, over regular routes, between Kansas City, Mo., and Cheyenne, Wyo., between St. Joseph, Mo., and Junction City, Kans., between Bonner Springs, Kans., and Leavenworth, Kans., between St. Marys, Kans., and junction Kansas Highway 99 and U. S. Highway 36; between Manhattan, Kans., and Marysville, Kans., between Cloburne, Kans., and junction unnumbered highway and U. S. Highway 77; between Manhattan, Kans., and Beloit, Kans., between Junction City, Kans., and Clay Center, Kans., between McPherson, Kans., and Concordia, Kans., between junction Kansas Highway 41 and U. S. Highway 81 and junction unnumbered highway and U. S. Highway 24; between junction unnumbered highway and U. S. Highway 81 and Colby, Kans., between Plainville, Kans., and Hays, Kans., between junction U. S. Highways 83 and 24 and Oakley, Kans., between junction U. S. Highway 24 and unnumbered highway and junction U. S. Highway 82 and unnumbered highways; between Denver, Colo., and Fort Collins, Colo., between Brighton, Colo., and Boulder, Colo.; between Lupton, Colo., and Puritan, Colo., between Platteville, Colo., and junction Colorado Highways 66 and 185; between junction Colorado Highway 60 and U. S. Highway 85 and junction Colorado Highway 60 and 185; between junction Colorado Highway 66 and unnumbered highway and junction said unnumbered highway and Colorado Highway 52; between Julesburg, Colo., and junction U. S. Highway 34 and Colorado Highway 185; between junction U. S. Highway 34 and Colorado Highway 144 and U. S. Highway 6; between junction U. S. Highway 6 and Colorado Highway 71 and Snyder, Colo., and return over these routes. Service is authorized to and from all intermediate points on the above routes and all off-route points in Colorado and Kansas, which are rail stations on the rail lines of the Union Pacific Railroad Company. The service authorized is subject to the following restrictions, among others: The service by motor vehicle to be performed by Union Pacific Motor Freight Company shall be limited to service which is auxiliary to, or supplemental of, the train service of Union Pacific Railroad Company. Union Pacific Motor Freight Company shall not serve any point not a station on the rail lines of Union Pacific Railroad Company. No shipment shall be transported by Union Pacific Motor Freight Company between any of the following points, or through, or to, or from more than one of said points: Kansas City, Mo.-Kans., St. Joseph, Mo., Salina, Oakley, Marysville, Topeka, Manhattan-Junction City, and Plainville-Hays, Kans., Denver, Greeley, Cheyenne Wells, and Sterling, Colo., and Cheyenne, Wyo. By petition, the Certifi-



cate holder seeks amendment of the last restriction so as to read as follows: No shipment shall be transported by Union Pacific Motor Freight Company between any of the following points, or through, or to, or from more than one of said points: Kansas City, Mo.-Kans., Marysville, Kans., Salina, Kans., Denver, Colo., also, the key point of Manhattan, Kans., on traffic from Kansas City, Mo., or beyond; the key points of Hays-Plainville, Kans. (considered as one), Julesburg, Colo., and Cheyenne, Wyo., on traffic from Denver, Colo., or beyond. And eliminate the following stations as key points: St. Joseph, Mo., Topeka, Kans., Manhattan-Junction City, Kans. (except the key point of Manhattan, Kans., on traffic from Kansas City, Mo., or beyond), Oakley, Kans., Hays-Plainville, Kans. (except on traffic from Denver, Colo., or beyond) Cheyenne Wells, Colo., Greeley, Colo., Sterling, Colo., Cheyenne, Wyo. (except on traffic from Denver, Colo., or beyond)

**HEARING** January 21, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Donald R. Sutherland.

No. MC 110388 Sub 3, UNION PACIFIC MOTOR FREIGHT COMPANY, a corporation, 1416 Dodge Street, Omaha, Nebr. Applicant's representative: W. R. Rouse, Vice President and General Counsel, U. P. RR C., 1416 Dodge Street, Omaha, Nebr. **PETITION FOR MODIFICATION OF KEY POINT RESTRICTIONS.** Petitioner was issued a Certificate dated May 10, 1950, to transport *Dangerous explosives and general commodities* except those of unusual value; livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment other than refrigeration, and those injurious or contaminating to other lading, between Council Bluffs, Iowa and Denver, Colo., between Omaha, Nebr., and Clarks, Nebr., between Hastings, Nebr., and Loup City, Nebr., between Ogallala, Nebr., and Scottsbluff, Nebr., between Columbus, Nebr., and Spaulding, Nebr., between Grand Island, Nebr., and junction Nebraska Highways 2 and 10; between Lincoln, Nebr., and junction U. S. Highways 6 and 275 west of Omaha, Nebr., between Fullerton, Nebr., and Central City, Nebr., between Kearney, Nebr., and Stapleton, Nebr., between North Platte, Nebr., and Stapleton, Nebr.; between Hastings, Nebr., and Marysville, Kans., between Hastings, Nebr., and Glenvil, Nebr., between Marysville, Kans., and Lincoln, Nebr., between Kimball, Nebr., and Cheyenne, Wyo., between Kearney, Nebr., and Loup City, Nebr. Service is authorized to, or restricted against various intermediate and off-route points, shown in the Certificate. The service authorized is subject to the following restrictions, among others:

The service to be performed by the Union Pacific Motor Freight Company shall be limited to service which is auxiliary to, or supplemental of, the rail service of the Union Pacific Railroad Company.

Union Pacific Motor Freight Company shall not render any service to, or from, or interchange traffic at, any point not a

station on the lines of the Union Pacific Railroad Company.

No shipment shall be transported by the Union Pacific Motor Freight Company between any two of the following points, or through, or to, or from, more than one of the said points: Omaha, Grand Island, and North Platte, Nebr., Sterling and Denver, Colo., Cheyenne, Wyo., and Marysville, Kans.

By petition, the Certificate holder seeks amendment of the last restriction so as to read as follows:

No shipment shall be transported by Union Pacific Motor Freight Company between any two of the following points, or through, or to, or from, more than one of said points: Omaha, Nebr., Grand Island, Nebr., North Platte, Nebr., Marysville, Kans., Denver, Colo., and Julesburg, Colo., on traffic from Denver, Colo., or beyond; the key point of Cheyenne, Wyo., on traffic from North Platte, Nebr., or beyond. And eliminate the following stations as key points: Sterling, Colo., Cheyenne, Wyo. (except on traffic from Denver, Colo., or beyond, and on traffic from North Platte, Nebr., or beyond)

**HEARING.** January 21, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Donald R. Sutherland.

No. MC 110416 Sub 7, filed October 19, 1956, K. W. CASADY, doing business as CASADY TRUCK LINE, Grimes, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *contract carrier* over irregular routes, transporting: *Agricultural machinery, implements and parts*, as defined by the Commission, and *farm tractors*, between Des Moines, Iowa and points within one mile thereof, and points in Missouri on and west of U. S. Highway 63.

**HEARING.** December 7, 1956, at the Federal Office Bldg., 5th & Court Aves., Des Moines, Iowa, before Joint Board No. 137.

No. MC 110698 Sub 79, filed August 27, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, (J. ARCHIE CANNON, JR., SUCCESSOR TRUSTEE) P. O. Box 457, Winston Rd., Greensboro, N. C. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. Issues published in **FEDERAL REGISTER** of September 19, 1956.

**HEARING.** December 19, 1956, at Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 110923 Sub 1, filed August 16, 1956, ALBERT LIVEK, doing business as AL LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, Ill. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Issues published in **FEDERAL REGISTER** of September 6, 1956.

**HEARING.** January 8, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 111472 Sub 36, filed June 25, 1956, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's representative: Glenn W. Stephens, 121 West Doty Street, Mad-

ison 3, Wis. Issues published in **FEDERAL REGISTER** of July 11, 1956.

**HEARING.** January 9, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 111472 Sub 37, filed August 17, 1956, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. Issues published in **FEDERAL REGISTER** of September 6, 1956.

**HEARING.** January 9, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 111545 Sub 19, filed August 7, 1956, HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Route 3, Marietta, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. Issues published in **FEDERAL REGISTER** of August 22, 1956.

**HEARING.** January 9, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Richard Yardley.

No. MC 111812 Sub 28 (amended), filed May 31, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. Issues published in **FEDERAL REGISTER** of June 13, 1956, and republished July 18, 1956.

**HEARING.** January 18, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Donald R. Sutherland.

No. MC 112020 Sub 20, filed August 8, 1956, COMMERCIAL OIL TRANSPORT, A Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas 2, Tex. Issues published in **FEDERAL REGISTER** of August 22, 1956.

**HEARING.** January 29, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Gerald F. Colfer.

No. MC 112020 Sub 21, filed August 8, 1956, COMMERCIAL OIL TRANSPORT, A Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Issues published in **FEDERAL REGISTER** of August 22, 1956.

**HEARING.** January 30, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Gerald F. Colfer.

No. MC 112055 Sub. 3, filed July 17, 1956, ILL.-PAC. COAST TRANSPORTATION CO., 1601 Market St., Madison, Ill. Applicant's representative: Harry C. Ames, Jr., Transportation Bldg., Washington, D. C. Issues published in **FEDERAL REGISTER** of August 1, 1956, and republished August 22, 1956.

**HEARING.** January 3, 1957, at the DeSota Hotel, St. Louis, Mo., before Examiner Harold W. Angle.

No. MC 112948 Sub 3, filed July 2, 1956, HUMBERTO SAENZ, doing business as SAENZ INTERNATIONAL TRUCKING COMPANY, 66 Central Park Drive, Brownsville, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, including those of unusual value, commodities in bulk excepting liquids, and commodities requiring special equipment, but excluding Class A and B explosives, household goods as defined by the Commission, and liquids in bulk, in



foreign commerce only, between the port of entry on the International Boundary line between the United States and Mexico at or near Brownsville, Tex., on the one hand, and, on the other, Brownsville, Tex.

**HEARING:** January 21, 1957, at the Stephen F. Austin Hotel, Austin, Tex., before Joint Board No. 294.

No. MC 113168 Sub 4, filed August 22, 1956, PARK TRUCKING AND SUPPLY, INC., 9341 Franklin Avenue, Franklin Park, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Issues published in FEDERAL REGISTER of September 17, 1956.

**HEARING:** January 3, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 113533 Sub 6, filed September 4, 1956, L. B. VINCENT GARDELLA, doing business as GARDELLA'S REFRIGERATED EXPRESS, 1951 E. Ferry Street, Detroit 11, Mich. Applicant's representative: Clark Klein, Brucker & Waples, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a common carrier over irregular routes, transporting: *Frozen foods*, from Detroit, Bay City, Benton Harbor, Flint, Grand Rapids, Saginaw and Williamson, Mich., to points in New York, Maryland, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Kentucky, Missouri, Maine and Virginia. Applicant is authorized to conduct operations in Massachusetts, Michigan, New York and Pennsylvania.

**HEARING:** January 3, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Edward Kobernusz.

No. MC 113533 Sub 9, filed October 31, 1956, L. B. VINCENT GARDELLA, doing business as GARDELLA'S REFRIGERATED EXPRESS, 1951 E. Ferry, Detroit, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Bldg., Detroit 26, Mich. For authority to operate as a common carrier over irregular routes, transporting: *Frozen foods, meats, meat products, and meat by-products*, from points in Westchester, Nassau, Bronx, Kings, and Queens Counties, N. Y., to points in Michigan, Indiana, Illinois, Ohio, Kentucky, and Missouri. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Rhode Island.

**HEARING:** December 6, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 114045 Sub 33, filed August 20, 1956, R. L. MOORE AND JAMES T. MOORE, doing business as TRANSCOLD EXPRESS, 3119 Swiss Avenue, P. O. Box 5842, Dallas, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas 2, Tex. Issues published in FEDERAL REGISTER of September 12, 1956.

**HEARING:** January 25, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Gerald F. Colfer.

No. MC 114045 Sub 35, filed September 18, 1956, R. L. MOORE AND JAMES T. MOORE, doing business as TRANSCOLD EXPRESS, 3119 Swiss Avenue,

Dallas, Tex. Applicant's Representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a common carrier over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Atlanta, Ga., and Birmingham, Ala., to points in Texas. Applicant is authorized to conduct operations in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, and the District of Columbia.

**HEARING:** January 24, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Gerald F. Colfer.

No. MC 114220 Sub 1, filed March 26, 1956, INTERSTATE TRAILER TRANSPORT, INC., 506 East Euclid, Des Moines, Iowa. Applicant's representative: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. Issues published in FEDERAL REGISTER of May 16, 1956 and republished June 27, 1956.

**HEARING:** January 4, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 114360 Sub 3, filed October 15, 1956, SOUTHERN EXPRESS CO., a corporation, 3333 S. Cicero Ave., Cicero, Ill. Applicant's representative: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Chevrolet Division, General Motors Corporation, located approximately 6 miles southwest of Warren (Lordstown Township, Trumbull County) Ohio, as an off-route point in connection with applicant's authorized regular route (leased) operations<sup>1</sup> between (1) Chicago, Ill., and Youngstown, Ohio; (2) Warren, Ohio and Salem, Ohio; and (3) Warren, Ohio, and Akron, Ohio. Applicant is authorized to conduct operations in Indiana.

**HEARING:** December 18, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 114816 Sub 2, filed July 27, 1956, AMERICAN HIGHWAY CARRIERS, INC., 1916 South California Avenue, Chicago, Ill. Issues published in FEDERAL REGISTER of August 15, 1956.

**HEARING:** January 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 114897 Sub 2, filed July 23, 1956, WHITFIELD TANK LINES, INC.,

<sup>1</sup> This application covers extension operating rights in Certificate MC 105891, June 20, 1949, in name of I. H. Langenderfer and M. M. Langenderfer, partnership, dba Southern Express, Chicago, Ill., which authority is leased by applicant pursuant to MC-FC 31512 approved December 19, 1947, to expire December 19, 1957. Certificate, if and when issued, will be issued to lessee and will expire with termination of lease.

240 W. Amador, Las Cruces, N. Mex. Issues published in FEDERAL REGISTER of August 8, 1956.

**HEARING:** January 9, 1957, at the Hotel Paso Del Norte, El Paso, Texas, before Examiner Gerald F. Colfer.

No. MC 115036 Sub 3, filed October 3, 1956, VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin, P. O. Box 2028, Kansas City 42, Mo. For authority to operate as a contract carrier over irregular routes, transporting: *Clay and clay products, and fittings therefor*, from Pittsburg, Kans. to points in Oklahoma, Arkansas, New Mexico, Texas, Colorado, and South Dakota; *returned shipments of the above-indicated commodities on return; materials and supplies used in the manufacture of clay products* from points in Kansas, Missouri, Oklahoma, Arkansas, South Dakota, New Mexico, Texas, and Nebraska to Pittsburg, Kans. Applicant is authorized to transport clay and clay products from Pittsburg, Kans. to points in Missouri and Nebraska.

**HEARING:** January 9, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 115162 Sub 10, filed June 21, 1956, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's representative: Hugh R. Williams, 2284 West Fairview, Montgomery, Ala. Issues published in FEDERAL REGISTER of July 4, 1956.

**HEARING:** January 24, 1957, at the U. S. Court Rooms, Montgomery, Ala., before Examiner C. Evans Brooks.

No. MC 115162 Sub 11, filed June 21, 1956, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's representative: Hugh R. Williams, 2284 West Fairview Avenue, P. O. Box 869, Montgomery, Ala. Issues published in FEDERAL REGISTER of July 11, 1956.

**HEARING:** January 24, 1957, at the U. S. Court Rooms, Montgomery, Ala., before Examiner C. Evans Brooks.

No. MC 115890 Sub 7, filed August 24, 1956, A & A TRUCKING, INC., Southwest Blvd. and Big Tree Road, Hamburg, N. Y. Mailing address: P. O. Box 477, Bladell Branch, Buffalo 19, N. Y. Applicant's representative: Noel F. George, 44 E. Broad St., Columbus 15, Ohio. Issues published in FEDERAL REGISTER of September 19, 1956.

**HEARING:** December 19, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 115956, filed April 26, 1956, L. A. WHITE, doing business as WHITE TRANSFER CO., 714 Reed Street, Baltimore, N. C. Issues published in FEDERAL REGISTER of July 4, 1956.

**HEARING:** January 14, 1957, at the Battery Park Hotel, Asheville, N. C., before Examiner C. Evans Brooks.

No. MC 116059, filed June 20, 1956, RAYMOND BROWN and BERNARD FRIEDMAN, doing business as BROWN BROTHERS CARTAGE SERVICE, 2900-2908 Taylor Street, Chicago, Ill. Applicant's representative: Edward G. Baselon, 39 S. La Salle Street, Chicago 3, Ill.

Issues published in FEDERAL REGISTER of July 4, 1956.

**HEARING** January 7, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 116102, filed July 16, 1956, FRED GORDON EDWARDS, doing business as EDWARDS TRUCKING, P. O. Box 54, Hemingway, S. C. Applicant's representative: Jerome P. Askins, Jr., Hemingway, S. C. Issues published in FEDERAL REGISTER of August 15, 1956.

**HEARING** January 16, 1957, at the U. S. Court Rooms, Columbia, S. C., before Examiner C. Evans Brooks.

No. MC 116048, (amended) filed June 13, 1956, MANGUM TRUCKING COMPANY, INC., Route No. 3, Box 455, Charlotte, N. C. For authority to operate as a common carrier, over irregular routes, transporting: *Lumber* other than plywoods, veneers, built up woods and flooring, between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Florida.

**HEARING** January 30, 1957, at the U. S. Court Rooms, Charlotte, N. C., before Examiner C. Evans Brooks.

No. MC 116067, filed June 22, 1956, NEBRASKA SHORT LINE CARRIERS, INC., 901 South 13th Street, Lincoln, Nebr. Applicant's representative: J. Max Harding, 901 South 13th Street, Lincoln, Nebr. Issues published in FEDERAL REGISTER of July 18, 1956.

**HEARING** January 23, 1957, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Donald R. Sutherland.

No. MC 116077 Sub 9, filed August 9, 1956, ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P. O. Box 9218, Houston, Tex. Applicant's representative: Looney, Clark & Moorhead, Brown Building, Austin 1, Tex. Issues published in FEDERAL REGISTER of August 22, 1956.

**HEARING** January 17, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Gerald F. Colfer.

No. MC 116097, filed July 11, 1956, NATIONAL BOAT TRANSPORT, INC., P. O. Box 14287, Houston 2, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Bldg., Austin, Tex. Issues published in FEDERAL REGISTER of August 1, 1956.

**HEARING** January 14, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Gerald F. Colfer.

No. MC 116116, filed July 20, 1956, FOOD EXPRESS, INC., 103 West College Avenue, Appleton, Wis. Applicant's representative: David B. Bliss, Zuelke Building, Appleton, Wis. Issues published in FEDERAL REGISTER of August 22, 1956.

**HEARING** January 21, 1957, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Edward Kobernusz.

No. MC 116125, filed July 24, 1956, JAMES M. CRAIN, doing business as JIM CRAIN'S HOUSE TRAILER REPAIR, Taylors, S. C. Applicant's representative: William P. Donelan, 500 Security Federal Building, 1233 Washington Street, Columbia, S. C. Issues published in FEDERAL REGISTER of August 8, 1956.

**HEARING** January 15, 1957, at the U. S. Court Rooms, Columbia, S. C., before Examiner C. Evans Brooks.

No. MC 116143, filed August 2, 1956, MELVIN CADLE, R. R. 7, Lafayette, Ind. Issues published in FEDERAL REGISTER of September 19, 1956.

**HEARING** December 18, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 116148, filed August 6, 1956, HARRY D. WOLF, Box 52, New Bloomfield, Pa. Applicant's representative: Andrew Wilson Green, 603 North Front Street, Harrisburg, Pa. Issues published in FEDERAL REGISTER of September 6, 1956.

**HEARING** December 10, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 116161, filed August 13, 1956, LESLIE C. TESCH, 405 South Market Street, Brenham, Tex. Applicant's representative: Albert G. Walker, 202 Capital National Bank Building, Austin, Tex. Issues published in FEDERAL REGISTER of September 6, 1956.

**HEARING** January 22, 1957, at the Stephen F. Austin Hotel, Austin, Tex., before Examiner Gerald F. Colfer.

No. MC 116162, filed August 13, 1956, I. D. WALKER AND E. F. MIXSON, doing business as I. D. WALKER AND SONS, P. O. Box 772, Belle Glade, Fla. Applicant's representative: John T. Bond, 1392 Northwest 36th Street, Miami 40, Fla. Issues published in FEDERAL REGISTER of September 6, 1956.

**HEARING** January 30, 1957, at the Shoremode Hotel, Miami Beach, Fla., before Examiner Richard Yardley.

No. MC 116164, filed August 16, 1956, ARROW TRANSPORTATION, a Corporation, 831 East Broadway, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a contract carrier over irregular routes, transporting: *Pipe, pipe arches, and pipe sections, plain or bituminous coated, corrugated metal flumes, corrugated or plain metal sheets curved sectional multi-plates, welded or wrought iron, water control headgates and highway guard rails*, between Des Moines, Iowa, on the one hand, and, on the other, points in Kansas, Missouri, Nebraska and South Dakota. Issues published in FEDERAL REGISTER of September 6, 1956, and amended September 24, 1956.

**HEARING** January 15, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 116169, filed August 20, 1956, N. J. BRASHEAR AND NEAN T. BRASHEAR, doing business as NATIONAL OIL & SUPPLY COMPANY, 2351 North Franklin, Springfield, Mo. Applicant's representative: Joseph N. Brown, Suite 215-16 Holland Bldg., Springfield, Mo. Issues published in FEDERAL REGISTER of September 12, 1956.

**HEARING** January 9, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 116170, filed August 20, 1956, SIOUX FREIGHTWAYS, INC., P. O. Box 533, Sioux Falls, S. Dak. Applicant's

representative: H. Lauren Lewis, Wilson Terminal Bldg., P. O. Box 707, Sioux Falls, S. Dak. Issues published in FEDERAL REGISTER of September 6, 1956.

**HEARING** January 18, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 116174, filed August 22, 1956, FINIS CHAFEN, doing business as CHAFEN BODY WORKS, 1015 South 10th Street, St. Joseph, Mo. Applicant's representative: Richard D. Duncan, 1012 Baltimore Building, Kansas City 5, Mo. Issues published in FEDERAL REGISTER of September 6, 1956.

**HEARING** January 11, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 116178, filed August 23, 1956, ERVIN DAVIS, 1326 Washington Ave., Kansas City, Mo. Applicant's representative: Richard D. Duncan, 1012 Baltimore Bldg., Kansas City 5, Mo. For authority to operate as a common carrier over irregular routes, transporting: *Damaged, disabled, or wrecked vehicles* from points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma to Kansas City, Mo. for repair.

**HEARING** January 11, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 116186, filed August 31, 1956, SHUM & MOORE TRUCKING, INC., 2043 Guereville Road, Santa Rosa, Calif. Applicant's representative: Bertram S. Silver, 100 Bush St., San Francisco 4, Calif. Issues published in FEDERAL REGISTER of September 19, 1956.

**HEARING** December 12, 1956, in Room 59, Federal Office Bldg., San Francisco, Calif., before Joint Board No. 11.

No. MC 116194, filed September 6, 1956, UNION SUPPLY COMPANY, a corporation, 5460 Colorado Boulevard, Denver 16, Colo. Applicant's representative: John W. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Issues published in FEDERAL REGISTER of September 19, 1956.

**HEARING** December 13, 1956, at the New Custom House, Denver, Colo., before Joint Board No. 126.

No. MC 116205, filed September 13, 1956, ROBERT L. JENKINS, doing business as BOB JENKINS TRUCK LINE, 500 Diagonal Ave., Charles City, Iowa. Applicant's representative: Erwin Larson, Charles City, Iowa. For authority to operate as a common carrier, over irregular routes, transporting: *Agricultural machinery, including tractors*, between Charles City, Iowa, on the one hand, and points in Texas, Louisiana, Georgia, and Alabama, on the other.

**HEARING** January 4, 1957, at the Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 116219, filed September 22, 1956, S and S TRUCK LINES, INC., 618 Live Stock Exchange Building, Kansas City, Mo. Applicant's representative: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a common carrier, over irregular routes, transporting: *Cottonseed meal, cottonseed cake, cottonseed hulls, soybean meal, and soybean*

cake, from points in Alabama, Mississippi, Louisiana, Tennessee, Arkansas, Texas, New Mexico and Oklahoma, to points in Illinois, Wisconsin, Missouri, Iowa, Minnesota, Kansas, Texas, Nebraska, North Dakota, and South Dakota; points in Colorado, Wyoming and Montana east of the Rocky Mountains; and points in Oklahoma north of State Highway No. 1.

**HEARING:** January 17, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 116217, filed September 20, 1956, E. J. WEIS, JR., doing business as GRAINBELT DISTRIBUTING COMPANY, 901 Second Avenue, S. W., Cedar Rapids, Iowa. Applicant's representative: D. C. Nolan, Suite 405 Iowa State Bank Building, Iowa City, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *Malt beverages and empty malt beverage containers*, between Cedar Rapids, Iowa and Minneapolis and St. Paul, Minn., Chicago, Ill., Milwaukee, Wis. and Omaha, Nebr.

**HEARING:** January 14, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 116243, filed October 8, 1956, DAN MYERS, doing business as DAN MYER MOTOR, 1407 Frederick Street, St. Joseph, Mo. Applicant's representative: Carl V. Kretsinger, 1014-18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers*, between points in Missouri, Kansas, Nebraska, Iowa and Illinois.

**HEARING:** January 11, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 116261, filed October 18, 1956, WIEDNER DISTRIBUTING COMPANY OF WISCONSIN, a Corporation, 41 High Street (P. O. Box 158) Oshkosh, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *contract carrier* over irregular routes, transporting: *Paper napkins, facial and toilet tissue, and sanitary pads*, from Neenah, Wis., to Cedar Rapids, Iowa.

**HEARING:** December 11, 1956, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

#### REVISIONS AND CORRECTIONS

No. MC 52947 Sub 24, (corrected) filed August 9, 1956, PINSON TRANSFER COMPANY, INC., 119-20th Street, Huntington, W. Va., published September 26, 1956 and republished October 24, 1956. Applicant's representatives: Robert H. Kinker and Harry McChesney, Jr., 711 McClure Bldg., Frankfort, Ky. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Huntington, W. Va., and Cincinnati, Ohio, over U. S. Highway 52, as an alternate route, for operating convenience

only. Applicant is authorized to conduct operations in Kentucky, Ohio, Virginia, and West Virginia.

**HEARING:** Remains as assigned November 30, 1956, at the U. S. Court House, Charleston, W. Va., before Joint Board No. 62.

No. MC 66562 Sub 1304 (Revision), filed August 3, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, (same address as above) issues published in FEDERAL REGISTER of August 29, 1956, and assigned for hearing in issue of October 17, 1956. A notation contained in the statement attached to the application was appended to the original notice of filing, said "Note" read: "Applicant states interchange with rail and air express service will be made at Washington, D. C." Letter dated October 25, 1956 from applicant's representative advises: "While that is true with regard to traffic that has an immediately prior or an immediately subsequent movement by rail or air, there is some traffic moving over this route which originates in the District of Columbia and is destined to a point in the State of Maryland, or vice versa, which would be interstate in character and have its entire movement local to the route"

#### MOTOR CARRIERS OF PASSENGERS

No. MC 2835 Sub 28, ADIRONDACK TRANSIT LINES, INC., EXTENSION-NEW YORK HIGHWAY 32, (Kingston, N. Y.) Applicant's representative: Martin J. Kelly, Jr., 70 Pine St., New York 5, N. Y. REOPENED FOR FURTHER HEARING, solely for the purpose of receiving evidence from the parties pertaining to the need for service at Cairo, N. Y., in the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers.

**FURTHER HEARING:** December 10, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freldson.

No. MC 8500 Sub 7, filed May 31, 1956, TENNESSEE COACH COMPANY, a corporation, 710 Sevier Ave., Knoxville, Tenn. Issues published in FEDERAL REGISTER of June 13, 1956.

**HEARING:** February 5, 1957, at the U. S. Court Rooms, Knoxville, Tenn., before Joint Board No. 279.

No. MC 116157, filed August 10, 1956, FRED SHANHOLTZ, doing business as MIDDLE RIVER BUS COMPANY, 2037 Tred Avon Road, Baltimore 21, Md. Applicant's representative: John N. Maguire, 825 Eastern Avenue, Essex 21, Md. Issues published in FEDERAL REGISTER of September 6, 1956.

**HEARING:** December 11, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

##### MOTOR CARRIERS OF PROPERTY

No. MC 38791 Sub 19, filed October 18, 1956, TUOHY TRUCKING CORPORATION, 733 Highway 17, Carlstadt, N. J. For authority to operate as a *contract*

*carrier* over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, between New York, N. Y., on the one hand, and, on the other, points in Burlington and Ocean Counties, N. J., limited to transportation for and on behalf of The Grand Union Company, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in New York, Connecticut, New Jersey, and Pennsylvania.

No. MC 52746 Sub 48, filed October 1, 1956, KNAUS TRUCK LINES, INC., 201 West 21st Street, Kansas City, Mo. Applicant's representative: Walter V. Huston, 4105 Main St., Kansas City 11, Mo. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Kans., and Wichita, Kans., from Kansas City over the Kansas Turnpike to Wichita, and return over the same route, serving the intermediate points of Topeka and Emporia, Kans.

**NOTE:** Applicant serves such intermediate points in connection with its existing Kansas City-Wichita operations, under authority granted in MC 52746 Sub 42.

Applicant is authorized to conduct operations in Illinois, Kansas, Iowa, Colorado, Indiana, and Missouri.

No. MC 115217 Sub 1, filed October 1, 1956, ANTHONY DeGROSA, doing business as DeGROSA TRUCKING CO., 206 Park St., Moonachie, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier* over irregular routes, transporting: (1) *Rubber articles*, from Middletown, N. Y. to Trenton and Flemington, N. J., points in Hudson, Bergen, Passaic, Essex, and Union Counties, N. J., Bristol, Philadelphia and Allentown, Pa., and New York, N. Y., (2) *Commodities used in the manufacture of rubber articles*, from the above-specified destination points to Middletown, N. Y. **RESTRICTION:** The service above is restricted to traffic moving to or from the plant site of the Delford Rubber Company, Middletown, N. Y. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1510 Sub 56, filed October 22, 1956, SOUTHWESTERN GREYHOUND LINES, INC., 210 E. Ninth St., Fort Worth, Tex. Applicant's representative: L. C. Major, 2001 Massachusetts Ave., NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, and express, newspapers and mail* in the same vehicle with passengers, between junction U. S. Highway 66 and Oklahoma Northeastern Turnpike (which will be officially designated as Will Rogers Turnpike) east of Tulsa, Okla. and Joplin, Mo., from the

junction of U. S. Highway 66 and Oklahoma Northeastern Turnpike (Will Rogers Turnpike) over Oklahoma Northeastern Turnpike (Will Rogers Turnpike), to the Oklahoma-Missouri State line, southwest of Joplin, Mo., thence over Missouri Dual Highway to junction Missouri Highway 43, thence over Missouri Highway 43 to Joplin; (also over interchange or access routes from the Oklahoma Northeastern Turnpike (Will Rogers Turnpike) to Claremore, Vinita, Afton, and Miami, Okla.) and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

No. MC 13300 Sub 58, filed October 29, 1956, CAROLINA COACH COMPANY, 1201 South Blount St., Raleigh, N. C. Applicant's representative: Robert E. Quirk, Investment Bldg., Washington 5, D. C. For authority to operate as a *common carrier* over a regular route, transporting: *Passengers and their baggage, express, mail and newspapers*, in the same vehicle with passengers, between Garysburg, N. C. and junction U. S. Highway 301 and North Carolina Highway 48, from Garysburg, over U. S. Highway 301 to the junction of U. S. Highway 301 and North Carolina Highway 48, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in North Carolina, South Carolina, Virginia, Maryland, Pennsylvania, and Delaware.

#### APPLICATIONS UNDER SECTIONS 5 AND 210 a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

#### MOTOR CARRIERS OF PROPERTY

No. MC-F 6433. Authority sought for purchase by L. L. BROOKS TRUCKING CONTRACTOR, INC., Box 1533, Odessa, Texas, of the operating rights and certain property of G. E. GRONINGER, JIM KING and CECIL R. WILLIAMS, doing business as G-K TRUCKING COMPANY, 903 West Brown, P. O. Box 1381, Pampa, Texas, and for acquisition by U. L. BROOKS and MARGARET P. BROOKS, both of Box 1236, Amarillo, Texas, of control of such rights and property through the purchase. Applicants' representative: Max G. Morgan, 450 American National Bldg., Oklahoma City, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, serv-

icing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, as a *common carrier* over irregular routes between points in Texas, on the one hand, and, on the other, points in Kansas and Oklahoma, *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Texas, Oklahoma, Kansas and Colorado; *such commodities* as require the use of special equipment by reason of size or weight other than those specified above, between points in Texas, Oklahoma and Colorado; *livestock feed and grain*, from points in Oklahoma and Kansas to points in the Panhandle of Texas; *livestock*, between points in Oklahoma, Kansas, and the Panhandle of Texas; *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Kansas, Oklahoma and Texas; *oil field equipment and supplies*, between the railhead at Pampa, Tex., and sites of projects for the discovery, development, or production of natural gas or petroleum in Texas within 175 miles of Pampa, Tex., other than those within five miles of Amarillo, Tex. Vendee is authorized to operate as a *common carrier* in New Mexico and Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6437. Authority sought for purchase by FOGARTY BROS. TRANSPORT, INC., 1103 Cumberland Avenue, Tampa, Fla., of the operating rights of AETNA VAN LINES, INC., 411 South 12th Street, Tampa, Fla., and for acquisition by J. E. FOGARTY, also of Tampa, of control of such rights through the purchase. Applicants' representative: Edgar Watkins, Munsey Bldg., Washington 4, D. C. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes between points in Iowa, Kansas, Nebraska, Missouri, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, West Virginia, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Maryland, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, South Carolina, North Carolina, Virginia, Tennessee, Alabama, Kentucky, West Virginia, Ohio, Indiana, Illinois, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Kansas, Maine, Massachusetts, Missouri, New Hampshire, Oklahoma, Rhode Island, Texas, Mississippi, Vermont, Michigan, Wisconsin, Arkansas and the District of

Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6438. Authority sought for purchase by CLARK TRANSPORT COMPANY, Junction Hi-Way 30-83, P. O. Box 295, Chicago Heights, Ill., of the operating rights and certain property of MAUGHAN TRANSPORT, INC., 2303 Third Avenue North, Fargo, N. Dak., and for acquisition by JAMES P. CLARK and CECILIA A. CLARK, both of Olympia Fields, Ill., and EUGENE C. CLARK, Steger, Ill., of control of such rights and property through the purchase. Applicants' representative: Edmund M. Brady, 2150 Guardian Bldg., Detroit 26, Mich. Operating rights sought to be transferred: *Automobiles, trucks, and trailers*, new or used, in truckaway and driveaway service, as a *common carrier* over regular routes between Duluth, Minn., and Fargo, N. Dak., serving no intermediate points; *automobiles, trucks, and trailers*, in truckaway and driveaway service from St. Paul, Minn., to Fargo and Grand Forks, N. Dak., and from Duluth, Minn., to Grand Forks, N. Dak., serving certain intermediate points; *automobiles, trucks, and trailers*, in truckaway service, over irregular routes from Duluth, St. Paul, and Minneapolis, Minn., to points in North Dakota other than Fargo and Grand Forks; *automobiles, trucks, and trailers*, new or used, in driveaway service, from Fargo, N. Dak., to points in North Dakota; *automobiles, trucks, and trailers*, in truckaway and driveaway service from St. Paul, Minneapolis, and Duluth, Minn., and Fargo, N. Dak., to Billings and Lewistown, Mont., *automobiles, trucks, and trailers*, in truckaway and driveaway service, restricted to secondary movements from Minneapolis, St. Paul and Duluth, Minn., and Fargo, N. Dak., to Anaconda, Mont., *new automobiles*, restricted to initial movements, in truckaway service, from places of manufacture or assembly in Wayne and Washtenaw Counties, Mich., to points in North Dakota; *new and used automobiles*, in secondary movements, in truckaway service, between points in Minnesota, on the one hand, and, on the other, points in North Dakota and Montana (except from Minneapolis, Duluth, Brainerd, and Hibbing, Minn., to points in Montana east of the Continental Divide other than Helena, Butte, Dillon, and Sidney), and between points in North Dakota, on the one hand, and, on the other, points in Montana. Vendee is authorized to operate as a *common carrier* in all states in the United States, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6439. Authority sought for purchase by HELM'S EXPRESS, INC., Box 268, Pittsburgh 20, Pa., of the operating rights of ROULSTON FREIGHT LINES, INC. (WILLIAM BIEDERMAN, TRUSTEE), 280 Broadway, New York, N. Y., and for acquisition by HARRY M. WERKSMAN, also of Pittsburgh, of control of such rights through the purchase. Applicants' representatives: Samuel P. Delisi, 1211 Berger Bldg., Pittsburgh 19, Pa., Samuel Masia, 320 Broadway, New



York, N. Y., and William Biederman, 280 Broadway, New York, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between New York, N. Y., and Glens Falls, N. Y., between New York, N. Y., and South Manchester, Conn., and between New York, N. Y., and Newark, N. J., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Ohio and West Virginia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6440. Authority sought for purchase by K & A TRUCK LINES, INC., 113 Thirteenth Street, Bettendorf, Iowa, of the operating rights of G. C. HINRICH, doing business as HINRICH'S TRUCK LINES, Ida Grove, Iowa, and for acquisition by GEORGE H. KINCADE, DOROTHY L. KINCADE, CHARLES ALLUM and ROSE ALLUM, all of Bettendorf, of control of such rights through the purchase. Applicants' representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Operating rights sought to be transferred: *Agricultural implements, agricultural machinery, agricultural machinery parts, petroleum products*, in containers, *animal and poultry feed, fertilizer livestock, grain, seeds, popcorn, hides, inedible animal fats, grain elevators and harrows and parts thereof, reinforcing rods, structural steel, and steel pipe*, as a *common carrier* over irregular routes, from, to or between points and areas, varying with the commodity transported, in Iowa, Illinois, Minnesota, Nebraska, South Dakota, and Colorado. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Missouri, Nebraska, Wisconsin and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6441. Authority sought for purchase by ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo., of the operating rights and property of L. F. MILLER and F. D. MILLER, doing business as MILLER & MILLER MOTOR FREIGHT LINES, 520-6th Street, Wichita Falls, Texas, and for acquisition by CHAS. E. HILLIKER, H. STODDARD WHITE and MURRAY M. DICKSON, all of Denver, of control of such rights and property through the purchase. Applicants' representative: Truman A. Stockton, Jr., The 1650 Grant Street Bldg., Denver 3, Colo. Operating rights sought to be transferred: *General commodities*, without exception, as a *common carrier* over regular routes between Amarillo, Tex., and Dallas, Tex., between Wichita Falls, Tex., and Lubbock, Tex., and between Childress, Tex., and Paducah, Tex., serving certain intermediate points; *general commodities*, with certain exceptions including household goods and liquids in bulk, between Wichita Falls, Tex., and Dickens, Tex., between Jacksboro, Tex., and the Texas-Oklahoma State line, between Quanah, Tex., and Benjamin, Tex., between Paducah, Tex., and Guthrie, Tex., between Fort Worth, Tex., and Rhome, Tex., and between certain other specified points in

Texas, serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over regular routes including routes between Wichita Falls, Tex., and Stamford, and Vernon, Tex., between Amarillo, Tex., and Plainview, Tex., between Memphis, Tex., and Hollis, Okla., between Altus, Okla., and Quanah, Tex., between Dimmitt, Tex., and Petersburg and Hereford, Tex., and between Vernon, Tex., and Lone Wolf, Okla., serving certain intermediate and off-route points; alternate route for operating convenience only between Dallas, Tex., and Fort Worth, Tex., *Class A and B explosives*, over regular routes including routes between Wichita Falls, Tex., and Lubbock, Dickens, Vernon, and Stamford, Tex., between Childress, Tex., and Paducah, Tex., between Amarillo, Tex., and Dallas, Tex., between Fort Worth, Tex., and Rhome, Tex., between Paducah, Tex., and Guthrie, Tex., between Jacksboro, Tex., and the Texas-Oklahoma State line, and between Vernon, Tex., and Lone Wolf, Okla. Vendee is authorized to operate as a *common carrier* in California, Wyoming, Colorado, Arizona, New Mexico, Illinois, Iowa, Nebraska, Kansas, Missouri and Nevada. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6443. Authority sought for purchase by WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa., of a portion of the operating rights and certain property of POTTS-TOWN MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa., and for acquisition by WINFIELD A. WEST, also of Boyertown, of control of such rights and property through the purchase. Applicants' representative: Jacob Polin, P. O. Box 317, Bala-Cynwyd, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Pottstown, Pa., and Philadelphia, Pa., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between points in Reading, Pa., and those within ten miles thereof. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, New Jersey, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, Indiana, Illinois, Michigan, Vermont and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 56-9029; Filed, Nov. 7, 1956;  
8:45 a. m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 5, 1956.

Protests to the granting of an application must be prepared in accordance with

Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 32850: *Commodities east-bound over D. & R. G. W. R. R.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dried beans, butter, eggs, frozen foods, fresh fruits and vegetables, frozen poultry, and ordinary livestock, carloads from points in Idaho, Montana, Oregon, Utah, and Washington to points in official, southern, southwestern and western trunk-line territories.

Grounds for relief: Rail carrier competition, circuitry, and rates and routes published pursuant to the decision in Docket 30297.

Tariff: Supplement 60 to Agent Prueter's I. C. C. 1534 and other issues listed in exhibit 1 of the application.

FSA No. 32851: *Furniture from the southwest to Colorado and Wyoming.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on furniture, furniture parts and spring assemblies, carloads from points in the Southwest to Colorado Springs, Denver, Greeley, Pueblo, Trinidad, Colo., and Cheyenne, Wyo.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 82 to Agent Kratzmeir's I. C. C. 4136.

FSA No. 32852: *Phosphate rock from Florida to Central and Illinois Territories.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads from Florida mines to points in central and Illinois territories.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 18 to Agent Spaninger's I. C. C. 1514.

FSA No. 32853: *Potash from Calvert, Ky., to Official Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on potassium (potash), caustic, tankcar loads from Calvert, Ky., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula and circuitry.

Tariffs: Supplement 236 to Agent Spaninger's I. C. C. 1351 and two other tariffs.

FSA No. 32854: *Titanium dioxide from Savannah and Port Wentworth, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on titanium dioxide, carloads from Savannah and Port Wentworth, Ga., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula and circuitry.

Tariffs: Supplement 236 to Agent Spaninger's I. C. C. 1351, Supplement 6 to Agent Spaninger's I. C. C. 1539.

FSA No. 32855: *Barium carbonate from Cartersville, Ga., to St. Louis and East St. Louis.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on barium carbonate, carloads from Cartersville, Ga., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 236 to Agent Spaninger's I. C. C. 1351.



FSA No. 32856: *Cativo veneer from Pensacola, Fla., to Savannah, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cativo veneer, carloads from Pensacola, Fla., to Savannah, Ga.

Grounds for relief: Circuitous routes. Tariff: Supplement 61 to Agent Spaninger's I. C. C. 1356.

FSA No. 32857: *Lumber from West Virginia to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber, carloads from points in West Virginia to Greensboro, Mt. Airy, Ramseur, and Siler City, N. C.

Grounds for relief: Circuitous routes. Tariff: Supplement 135 to Agent Spaninger's I. C. C. 1297.

FSA No. 32858: *Phosphate of sodium from Morrisville, Pa., to Natchez, Miss.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on disodium phosphate, tri-sodium phosphate, or phosphate of sodium (soda), carloads from Morrisville, Pa., to Natchez, Miss.

Grounds for relief: Rail carrier competition and circuitry.

FSA No. 32859: *Sugar from Florida ports to Indiana and Kentucky.* Filed by H. M. Engdahl, Agent, for interested rail carriers. Rates on sugar, carloads from South Florida ports to Louisville, Ky., Evansville and New Albany, Ind.

Grounds for relief: Circuitous routes. Tariff: Supplement 90 to Agent Engdahl's I. C. C. 126.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 56-9093; Filed, Nov. 7, 1956;  
8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3523]

BOTTLED GAS CORPORATION OF VIRGINIA,  
AND COMMONWEALTH NATURAL GAS CORP.  
ORDER GRANTING APPLICATION REGARDING  
THE ACQUISITION BY SUBSIDIARY OF OUT-  
STANDING STOCK OF GAS UTILITY

NOVEMBER 2, 1956.

Commonwealth Natural Gas Corporation ("Commonwealth") an exempt-holding company, and its wholly owned non-utility subsidiary Bottled Gas Corporation of Virginia ("Bottled Gas"), have filed a joint application with this Commission pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act"), regarding certain proposed transactions which are summarized as follows:

Bottled Gas now owns 9 out of the 200 outstanding shares of the capital stock of Henrico Gas Service Corporation ("Henrico"), and under contract with Henrico operates Henrico's business. Henrico owns a small tract of land and propane gas storage facilities near Richmond, Virginia, and an underground distribution system which supplies propane gas from its storage tanks to the tenants of Lewis Gardens, a multiple

dwelling housing project. Its propane gas supply is furnished by Bottled Gas. The stockholders of Henrico, other than Bottled Gas, a number of whom are officers or directors of either Commonwealth or Bottled Gas or both approached Commonwealth and Bottled Gas with a proposal to sell all of their stock of Henrico to Bottled Gas at an aggregate price of 191/200ths of \$60,000 plus the net retained earnings of Henrico from November 30, 1955 to the end of the month prior to the date of closing.

Since the operations of Henrico are in the area served by Bottled Gas, savings can be obtained by the elimination of the two sets of officers, books, records, etc. Also since the price of the stock in relation to the earnings of Henrico seems reasonable, Commonwealth considers the acquisition of Henrico stock to be advantageous and accordingly has authorized its subsidiary, Bottled Gas to contract with the stockholders of Henrico to acquire all of its outstanding stock.

No State or Federal Commission other than this Commission has jurisdiction over the proposed transaction.

The application states that the estimated fees and expenses in connection with the acquisition aggregate \$1,000 including \$500 for legal fees and \$350 for accounting fees.

Notice of said filing having been duly given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13290) and no hearing having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the application should be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F. R. Doc. 56-9094; Filed, Nov. 7, 1956;  
8:49 a. m.]

[File No. 31-637]

FORD MOTOR CO.

### NOTICE OF FILING OF APPLICATION FOR EXEMPTION

NOVEMBER 2, 1956.

Notice is hereby given that Ford Motor Company ("FMC") has filed with this Commission an application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") requesting, on behalf of itself and its wholly owned subsidiary, Henry Ford and Son, Incorporated, ("HFS") an exemption from the provisions of the act applicable to them as a holding company and as a subsidiary thereof.

The application which is on file in the offices of the Commission may be summarized as follows:

FMC, a Delaware corporation, is principally engaged in the manufacture, assembly and sale in the United States of automobiles and trucks and related parts and accessories. It has a number of direct and indirect subsidiaries in the United States and various foreign countries. As at December 31, 1955, FMC and its consolidated subsidiaries reported total consolidated assets of approximately \$2,585,000,000 and, for the year 1955, reported consolidated net sales totaling approximately \$5,594,000,000.

HFS is a New York corporation having outstanding only common capital stock, all of which is owned by FMC. HFS owns and operates an electric generating plant situated on Green Island, New York, at the junction of the Mohawk and Hudson Rivers. HFS sells substantially all the electric energy generated by this plant to FMC, which company consumes a major portion thereof at its manufacturing plant situated on Green Island. A minor portion of the energy is resold each year by FMC, as surplus power, to Niagara Mohawk Power Corporation ("Niagara Mohawk") a public utility company rendering electric service in the State of New York.

Electric energy is sold by HFS to FMC at a price so fixed as to yield a return to HFS equal to its expenses and depreciation on the generating plant, resulting in no profit or loss to HFS. During the years 1951 through 1955 the energy generated by the plant ranged between 27.8 and 39.0 million KWH per annum, and the amounts paid by FMC for such energy ranged from \$135,211 to \$153,282 per annum.

The electric energy resold by FMC to Niagara Mohawk during the period ranged between 5.7 to 9.6 million KWH per annum, and represented from 20.7 percent to 30.4 percent of the energy generated in these years by HFS. FMC received in payment for energy sold to Niagara Mohawk amounts ranging from \$11,737 to \$21,926 annually during this period.

The application states that HFS is the only subsidiary company of FMC which might be considered a public utility company within the meaning of the act.

Notice is further given that any interested person may, not later than November 19, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law, raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application may be granted or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F. R. Doc. 56-9095; Filed, Nov. 7, 1956;  
8:49 a. m.]

[File No. 70-3510]

## COLUMBIA GAS SYSTEM, INC.

## SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

-NOVEMBER 2, 1956.

The Commission on September 26, 1956 having issued its order herein, pursuant to section 7 of the Public Utility Holding Company Act and Rule U-50 thereunder, authorizing The Columbia Gas System, Inc. ("Columbia") to issue and sell \$25,000,000 principal amount of debentures; and

The Commission having in said order reserved jurisdiction with respect to all legal, engineering, and accounting fees and expenses to be paid in the matter; and

Columbia by amendments filed herein having supplied further data with respect to said fees and expenses, which may be summarized as follows:

## To be paid by Columbia:

Cravath, Swaine & Moore, legal fees	\$15,000
Arthur Andersen & Co., accounting fees (\$17,600) and expenses (\$2,400)	20,000
Ralph E. Davis, engineering fees and expenses	5,000
Blue sky filing fees and expenses, not exceeding	1,500
To be paid by successful bidders:	
Shearman & Sterling & Wright, legal fees	12,500
Shearman & Sterling & Wright, expenses (estimated)	200

And the Commission having examined the evidence submitted with respect to the aforesaid fees and expenses, and on the basis thereof finding that the amounts proposed to be paid are not unreasonable and that it is appropriate in the public interest to release jurisdiction with respect thereto:

*It is ordered*, That jurisdiction heretofore reserved with respect to the payment of the aforesaid fees and expenses be, and hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F. R. Doc. 56-9096; Filed, Nov. 7, 1956;  
8:49 a. m.]

[File No. 70-3518]

## NATURAL GAS COMPANY OF WEST VIRGINIA, AND COLUMBIA GAS SYSTEM, INC.

## ORDER AUTHORIZING SALE OF CERTAIN UTILITY ASSETS BY SUBSIDIARY TO ASSOCIATE COMPANY IN FURTHERANCE OF SYSTEM'S PROPERTY REALIGNMENT PROGRAM

NOVEMBER 2, 1956.

The Columbia Gas System, Inc. ("Columbia") a registered holding company, and its wholly owned subsidiary Natural Gas Company of West Virginia ("Natural Gas"), a public utility company doing business in Ohio, have filed a declaration and an amendment thereto pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 thereunder, regarding the following proposed transaction:

Natural Gas will sell and convey the following utility assets to The Manufacturers Light and Heat Company ("Manufacturers") also a wholly owned public utility subsidiary of Columbia, whose operations adjoin those of Natural Gas on the east:

(a) The McFarland Gas Production Field, located in Madison and St. Clair Townships, Columbiana County, Ohio, comprising 25 operating wells and the associated well lines, field gathering lines, measuring and regulating equipment and drilling equipment, and approximately 7,000 feet of six-inch and 3,800 feet of eight-inch transmission lines; and

(b) Approximately 5.4 miles of eight-inch pipeline in Pultney and Pease Townships, Belmont County, Ohio, together with the measuring station, meter and services associated therewith.

The facilities to be sold constitute only a minor part of the utility assets of Natural Gas. They are located in the Ohio-Pennsylvania border area and are already integrated with Manufacturers' eastern Ohio operations.

The proposed conveyance constitutes an intermediate step in Columbia's system-wide property realignment program, whose ultimate objective is to transfer to a single operating company all production and interstate transmission properties subject to the jurisdiction of the Federal Power Commission, and to consolidate the distribution facilities within each State in a single company subject to the appropriate State commission.

Natural Gas will sell and Manufacturers will record the said properties at the book value (original cost) less the book reserves for depreciation and depletion applicable thereto. At June 30, 1956 such net amount was stated to be \$127,955. Manufacturers will pay for the properties with cash from its general funds.

The Public Utilities Commission of Ohio has approved the sale of the properties by Natural Gas and the acquisition by Manufacturers. The acquisition by Manufacturers is exempt from the requirements of Section 10 by the provisions of section 9 (b) (1) of the act.

The Federal Power Commission has authorized Natural Gas to abandon wholesale service through the certificated facilities and has issued a certificate of public convenience and necessity authorizing Manufacturers to acquire and operate such facilities.

The fees and expenses to be incurred by the declarants in connection with the proposed transaction are stated to aggregate \$2,080, including \$425 for counsel fees.

Due notice having been given of the filing of said declaration (Holding Company Act Release No. 13277), and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as

amended be permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F. R. Doc. 56-9097; Filed, Nov. 7, 1956;  
8:49 a. m.]

[File No. 1-3827]

## GREAT SWEET GRASS OILS, LTD.

## ORDER SUMMARILY SUSPENDING TRADING

NOVEMBER 2, 1956.

In the matter of trading on the American Stock Exchange in the \$1.00 par value Capital Stock of Great Sweet Grass Oils Limited, File No. 1-3827.

I. The \$1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange")

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8-K and Form 10-K were false and misleading in certain respects set forth in said orders. On October 25, 1956, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices for a period of 10 days from the date of said order. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of December, 1955 and amendments thereto, and that registrant's annual report on Form 10-K for its fiscal year ended December 31, 1955, and amendments thereto were false and misleading in additional respects, including the following:

1. In omitting to state in the last filed Form 8-K report on registrant's own responsibility any amount of oil and gas

reserves acquired from Depositors Mutual Oil Development Company (hereinafter called "Depositors") but in attaching as an exhibit geological reports which are ambiguous and conflicting as to the amount of oil and gas reserves acquired from Depositors.

2. In representing that the assets of Depositors were acquired by registrant through arms-length bargaining and that there was no material relationship between registrant and Depositors.

3. In representing that the issuance and sale of 1,750,000 shares of registrant's Capital Stock to Depositors for its assets was an exempt transaction under the Securities Act of 1933 and not required to be registered thereunder.

4. In failing to disclose the purpose for which Depositors was organized and that registrant and Depositors intended to make a public distribution of registrant's shares issued to Depositors for its assets.

III. On October 31, 1956, the staff of the Commission sent telegrams to Samuel Oiglen, Morris Black and Sidney Chalu, principal officers and directors of registrant, inviting them to meet with the staff at 10:00 a. m., Friday, November 2, 1956, to furnish information in connection with the suspension of trading of registrant's Capital Stock and also to furnish information regarding statements made in the filed reports specified in the orders referred to in paragraph II above. The staff was advised on November 1, 1956, that these officers and directors were unable to confer with the staff as requested.

IV No explanations have been supplied, either as to the questions raised in said original and first amended orders and notices of hearing under section 19 (a) (2) of the act, or as to the additional questions raised by said second amended order under said section 19 (a) (2) which would dispel any of the confusion and uncertainty with respect to the registrant and its affairs which existed on October 25, 1956, but, on the contrary, this condition has been intensified by the additional and serious questions raised by said second amended order of October 31, 1956. Under these conditions, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment as to the value of registrant's securities, or for trading in such securities to be conducted in an orderly and equitable manner.

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce

the purchase or sale of, such security otherwise than on a national securities exchange.

*It is ordered*, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days from November 5, 1956, to November 14, 1956, inclusive.

By the Commission.

[SEAL]

NELLYE A. THORSEN,  
Assistant Secretary.

[F. R. Doc. 56-9098; Filed, Nov. 7, 1956;  
8:50 a. m.]

[File No. 1-3679]

KROY OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

NOVEMBER 2, 1956.

In the matter of trading on the American Stock Exchange in the 20¢ par value Capital Stock of Kroy Oils Limited; File No. 1-3679.

I. The 20 cent par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange")

II. The Commission is issuing concurrently herewith an order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order.

III. It has been reported to the Commission the following: that during the trading week of October 15 to October 19, 1956, an aggregate of 44,500 shares of registrant's Capital Stock were traded on the exchange at prices fluctuating between  $2\frac{1}{16}$  and  $1\frac{1}{4}$ , that during the trading week of October 22 to October 26, 1956, an aggregate of 165,500 shares of registrant's Capital Stock were traded on the exchange at prices fluctuating between  $1\frac{1}{4}$  and 1, and that during the period from October 29 to November 1, 1956, inclusive, an aggregate of 74,300 shares of said stock were traded on the exchange at prices fluctuating between  $1\frac{1}{16}$  and  $1\frac{3}{16}$ .

IV The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also

subject to an order issued concurrently herewith under section 19 (c) (4) of the act, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

*It is ordered*, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days from November 5, 1956, to November 14, 1956, inclusive.

By the Commission.

[SEAL]

NELLYE A. THORSEN,  
Assistant Secretary.

[F. R. Doc. 56-9099; Filed, Nov. 7, 1956;  
8:50 a. m.]

[File No. 1-3679]

KROY OILS, LTD.

ORDER AND NOTICE OF HEARING

NOVEMBER 2, 1956.

I. Kroy Oils Limited (hereinafter called "registrant"), a corporation organized under the laws of the Province of Alberta, Dominion of Canada, registered its common stock, no par value, with the American Stock Exchange on June 20, 1952, on Form 10, pursuant to section 12 of the Securities Exchange Act of 1934 (hereinafter called "the act") and the rules and regulations adopted by the Commission thereunder and filed a duplicate original of Form 10 with the Commission on that date. The registration of such securities became effective on July 20, 1952, and such securities were admitted to trading on the American Stock Exchange on August 25, 1952. On September 26, 1952, registrant registered its common stock, par value 20 cents, in lieu of the previously registered no par value common stock. Such registration of the common stock, 20 cents par value, became effective October 31, 1952.

(II. On June 11, 1956, registrant filed with the Commission a current report on Form 8-K pursuant to section 13 of the act, for the month of May 1956. The Commission has reason to believe that the Form 8-K was false and misleading and did not comply with the rules and regulations of the Commission with respect to the form and content of such reports in the following particulars:

1. In stating that registrant acquired assets from Coronet Development Corporation, an Oklahoma corporation (hereinafter called "Coronet") consisting of 3,236,900 barrels of estimated proven developed reserves and 4,111,200 barrels of estimated proven undrilled reserves.

2. In stating that the 1,500,000 shares of capital stock of the registrant issued for the acquisition of the Coronet properties had a value of approximately \$2.50 per share and in attaching to said Form 8-K an engineer's report which set out the value of the oil leases acquired from Coronet at \$5,777,500 allowing \$1.00 per barrel for proven developed reserves and 50 cents per barrel for proven undrilled reserves.

3. In representing that at the time of acquisition of the assets from Coronet there was no material relationship between Coronet and registrant or its affiliate or any of its directors or officers or any associate of any director or officer of registrant.

4. In representing that the issuance and sale of 1,500,000 shares of registrant's capital stock to Coronet for its assets was an exempt transaction under the Securities Act of 1933 and not required to be registered thereunder.

5. In representing that the issuance and sale of 69,002 shares of registrant's capital stock to Great Sweet Grass Oils Limited, an Ontario corporation, was an exempt transaction under the Securities Act of 1933 and not required to be registered thereunder.

6. In omitting to state that registrant, stockholders of Coronet and Great Sweet Grass Oils Limited intended to make a public distribution of registrant's shares issued to Coronet and to Great Sweet Grass Oils Limited.

7. In omitting to file financial statements of Coronet as required by the Commission's rules and regulations.

It is ordered, That a public hearing, pursuant to section 19 (a) (2) of the act, be held at 10:00 a. m., e. s. t., on Tuesday, November 20, 1956, in Room 193 at the offices of the Commission, 425 Second Street NW., Washington, D. C., to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of registrant on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder as set forth in paragraph I above.

It is further ordered, That Mr. James C. Ewell is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commis-

sion and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the American Stock Exchange and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceedings should file with the Hearing Officer or the Secretary of the Commission on or before November 16, 1956, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F. R. Doc. 56-9100; Filed, Nov. 7, 1956;  
8:50 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[P. & S. Docket No. 456]

#### MARKET AGENCIES AT UNION STOCK YARDS NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) an order was issued on June 9, 1955 (14 A. D. 446), authorizing the Market Agencies at the Union Stock Yards, Ogden, Utah, to assess the current rates and charges to and including June 19, 1957, unless changed by further order before the latter date. On April 9, 1956, an order was issued modifying the order of June 9, 1955, to authorize the assessment of certain rates and charges for sales of sheep at auction (15 A. D. 381).

On October 12, 1956, a petition was filed by J. E. Manning, owner of the Ogden Livestock Auction Company, one of the market agencies at the Union Stock Yards, Ogden, Utah, requesting that the current rates and charges be further modified to authorize the assessment of certain rates and charges for sales of cattle "at Special Sales at a time other than that of the regular Auction." The proposed rates and charges are as follows:

	Per head
Dairy cows (sold for milking purposes).....	\$5.00
Dairy bulls for breeding purposes.....	5.00
Registered cows.....	5.00
Registered bulls.....	5.00
Registered or dairy yearlings.....	2.50

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the

Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 2d day of November 1956.

[SEAL] H. E. REED,  
Director  
Livestock Division,  
Agricultural Marketing Service.

[F. R. Doc. 56-9101; Filed, Nov. 7, 1956;  
8:50 a. m.]

## Rural Electrification Administration

[Administrative Order 5545]

### KANSAS

#### LOAN ANNOUNCEMENT

OCTOBER 1, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Kansas 41H Wilson.....\$515,000

[SEAL] FRED H. STRONG,  
Acting Administrator.

[F. R. Doc. 56-9102; Filed, Nov. 7, 1956;  
8:50 a. m.]

[Administrative Order 5546]

### TEXAS

#### LOAN ANNOUNCEMENT

OCTOBER 1, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Texas 96AA Victoria.....\$460,000

[SEAL] FRED H. STRONG,  
Acting Administrator.

[F. R. Doc. 56-9103; Filed, Nov. 7, 1956;  
8:50 a. m.]

[Administrative Order 5547]

### WISCONSIN

#### LOAN ANNOUNCEMENT

OCTOBER 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Wisconsin 60R Waushara.....\$309,000

[SEAL] FRED H. STRONG,  
Acting Administrator.

[F. R. Doc. 56-9104; Filed, Nov. 7, 1956;  
8:50 a. m.]

## NOTICES

[Administrative Order 5548]

TEXAS

## LOAN ANNOUNCEMENT

OCTOBER 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 62S Bailey-----	\$700,000

[SEAL] FRED H. STRONG,  
Acting Administrator

[F. R. Doc. 56-9105; Filed, Nov. 7, 1956;  
8:50 a. m.]

[Administrative Order 5549]

ALABAMA

## AMENDMENT OF LOAN ANNOUNCEMENT

OCTOBER 4, 1956.

I hereby amend Administrative Order No. 3468, dated September 26, 1951, by correcting paragraph (a) appearing therein as follows:

(a) Administrative Order No. 1181, dated November 26, 1946, by changing the project designation appearing therein as "Alabama 23G Pike" in the amount of \$760,000 to read "Alabama 23G Pike" in the amount of \$456,220.97 and "Alabama 44 Covington (Alabama 23G Pike)" in the amount of \$303,779.03.

to read:

(a) Administrative Order No. 1181, dated November 26, 1946, by changing the project designation appearing therein as "Alabama 23G Pike" in the amount of \$760,000 to read "Alabama 23G Pike" in the amount of \$456,238.97 and "Alabama 44 Covington (Alabama 23G Pike)" in the amount of \$303,761.03.

[SEAL] FRED H. STRONG,  
Acting Administrator

[F. R. Doc. 56-9106; Filed, Nov. 7, 1956;  
8:50 a. m.]

[Administrative Order 5550]

NORTH DAKOTA

## LOAN ANNOUNCEMENT

OCTOBER 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 30L Steele-----	\$50,000

[SEAL] DAVID A. HAMIL,  
Administrator

[F. R. Doc. 56-9107; Filed, Nov. 7, 1956;  
8:50 a. m.]

[Administrative Order 5551]

TEXAS

## LOAN ANNOUNCEMENT

OCTOBER 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 124M Schleicher-----	\$445,000

[SEAL] DAVID A. HAMIL,  
Administrator

[F. R. Doc. 56-9108; Filed, Nov. 7, 1956;  
8:50 a. m.]

[Administrative Order 5552]

TEXAS

## LOAN ANNOUNCEMENT

OCTOBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 69AA Erath-----	\$450,000

[SEAL] DAVID A. HAMIL,  
Administrator

[F. R. Doc. 56-9109; Filed, Nov. 7, 1956;  
8:51 a. m.]

[Administrative Order 5553]

MISSISSIPPI

## AMENDMENT OF LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

I hereby amend:

(a) Administrative Order No. 1108, dated July 24, 1946, by reducing the allocation of \$740,000 therein made for "Mississippi 17F Pontotoc" by \$69,858.28 so that the reduced allocation shall be \$670,141.72.

[SEAL] R. G. ZOOK,  
Acting Administrator

[F. R. Doc. 56-9110; Filed, Nov. 7, 1956;  
8:51 a. m.]

[Administrative Order 5554]

OKLAHOMA

## LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 35K Haskell-----	\$820,000

[SEAL] R. G. ZOOK,  
Acting Administrator

[F. R. Doc. 56-9111; Filed, Nov. 7, 1956;  
8:51 a. m.]

[Administrative Order 5555]

TEXAS

## LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 98N Young-----	\$535,000

[SEAL] R. G. ZOOK,  
Acting Administrator.

[F. R. Doc. 56-9112; Filed, Nov. 7, 1956;  
8:51 a. m.]

[Administrative Order 5556]

MINNESOTA

## LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 85P Todd-----	\$280,000

[SEAL] R. G. ZOOK,  
Acting Administrator.

[F. R. Doc. 56-9113; Filed, Nov. 7, 1956;  
8:51 a. m.]

[Administrative Order 5557]

NORTH DAKOTA

## LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 22H Bottineau-----	\$235,000

[SEAL] R. G. ZOOK,  
Acting Administrator.

[F. R. Doc. 56-9114; Filed, Nov. 7, 1956;  
8:51 a. m.]

[Administrative Order 5558]

MINNESOTA

## LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:



Loan designation: Amount  
Minnesota 74T Norman----- \$90,000  
[SEAL] R. G. ZOOK,  
Acting Administrator.  
[F. R. Doc. 56-9115; Filed, Nov. 7, 1956;  
8:51 a. m.]

[Administrative Order 5559]

IDAHO

## LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Idaho 2IK Camas----- \$15,000  
[SEAL] R. G. ZOOK,  
Acting Administrator  
[F. R. Doc. 56-9116; Filed, Nov. 7, 1956;  
8:51 a. m.]

[Administrative Order 5560]

TEXAS

## LOAN ANNOUNCEMENT

OCTOBER 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Texas 71L Clay----- \$505,000  
[SEAL] R. G. ZOOK,  
Acting Administrator  
[F. R. Doc. 56-9117; Filed, Nov. 7, 1956;  
8:52 a. m.]

[Administrative Order 5561]

GEORGIA

## LOAN ANNOUNCEMENT

OCTOBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Georgia 92T Brantley----- \$100,000  
[SEAL] FRED H. STRONG,  
Acting Administrator  
[F. R. Doc. 56-9118; Filed, Nov. 7, 1956;  
8:52 a. m.]

[Administrative Order 5562]

MARYLAND

## LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as

amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Maryland 7 AC Caroline----- \$755,000  
[SEAL] DAVID A. HAMIL,  
Administrator  
[F. R. Doc. 56-9119; Filed, Nov. 7, 1956;  
8:52 a. m.]

[Administrative Order 5563]

COLORADO

## LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Colorado 14 "U" Alamosa----- \$515,000  
[SEAL] DAVID A. HAMIL,  
Administrator  
[F. R. Doc. 56-9120; Filed, Nov. 7, 1956;  
8:52 a. m.]

[Administrative Order 5564]

WISCONSIN

## LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Wisconsin 51K St. Croix----- \$470,000  
[SEAL] DAVID A. HAMIL,  
Administrator  
[F. R. Doc. 56-9121; Filed, Nov. 7, 1956;  
8:52 a. m.]

[Administrative Order 5565]

GEORGIA

## LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Georgia 84S Cobb----- \$425,000  
[SEAL] DAVID A. HAMIL,  
Administrator  
[F. R. Doc. 56-9122; Filed, Nov. 7, 1956;  
8:52 a. m.]

[Administrative Order 5566]

MICHIGAN

## LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Michigan 42R Mason----- \$225,000  
[SEAL] DAVID A. HAMIL,  
Administrator  
[F. R. Doc. 56-9123; Filed, Nov. 7, 1956;  
8:52 a. m.]

[Administrative Order 5567]

FLORIDA

## LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Florida 15Z Lafayette----- \$100,000  
[SEAL] DAVID A. HAMIL,  
Administrator  
[F. R. Doc. 56-9124; Filed, Nov. 7, 1956;  
8:53 a. m.]

[Administrative Order 5568]

TEXAS

## LOAN ANNOUNCEMENT

OCTOBER 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Texas 125M Jasper----- \$326,000  
[SEAL] FRED H. STRONG,  
Acting Administrator  
[F. R. Doc. 56-9125; Filed, Nov. 7, 1956;  
8:53 a. m.]

[Administrative Order 5569]

WYOMING

## LOAN ANNOUNCEMENT

OCTOBER 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Wyoming 5 M Big Horn----- \$90,000  
[SEAL] FRED H. STRONG,  
Acting Administrator  
[F. R. Doc. 56-9126; Filed, Nov. 7, 1956;  
8:53 a. m.]

[Administrative Order 5570]

MISSOURI

LOAN ANNOUNCEMENT

OCTOBER 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Missouri 31U Mississippi----- \$350,000  
[SEAL] FRED H. STRONG,  
Acting Administrator  
[F. R. Doc. 56-9127; Filed, Nov. 7, 1956;  
8:53 a. m.]

[Administrative Order 5571]

MINNESOTA-NORTH DAKOTA

AMENDMENT OF LOAN ANNOUNCEMENT

OCTOBER 25, 1956.

Inasmuch as (1) Border Counties Power Cooperative, Incorporated has transferred all of its properties and assets to Minnkota Power Cooperative, Inc., and Minnkota Power Cooperative, Inc., has assumed all of the indebtedness of Border Counties Power Cooperative, Incorporated to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Border Counties Power Cooperative, Incorporated with the consent of United States of America, has assigned to Minnkota Power Cooperative, Inc., and Minnkota Power Cooperative, Inc., has accepted the assignment of certain rights and obligations of Border Counties Power Cooperative, Incorporated arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 578, dated April 25, 1941, by changing the project designation appearing therein as "Minnesota 1-0099G1 Lake of the Woods" in the amount of \$50,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 1-0099G1 Lake of the Woods)"

(b) Administrative Order No. 609, dated July 23, 1941, by changing the project designation appearing therein as "Minnesota 2099G2 Lake of the Woods" in the amount of \$175,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 2099G2 Lake of the Woods)"

(c) Administrative Order No. 960, dated September 19, 1945, by changing the project designation appearing therein as "Minnesota 99C Lake of the Woods" in the amount of \$150,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99C Lake of the Woods)"

(d) Administrative Order No. 997, dated December 14, 1945, by changing the project designation appearing therein as "Minnesota 99D Lake of the Woods" in the amount of \$70,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99D Lake of the Woods)"

(e) Administrative Order No. 1175, dated November 13, 1946, by changing the project designation appearing therein as "Minnesota 99E Lake of the Woods" in the amount of \$655,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99E Lake of the Woods)"

(f) Administrative Order No. 1318, dated August 18, 1947, by changing the project designation appearing therein as "Minnesota 99F Lake of the Woods" in the amount of \$125,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99F Lake of the Woods)"

(g) Administrative Order No. 1604, dated September 20, 1948, by changing the project designation appearing therein as "Minnesota 99G Lake of the Woods" in the amount of \$125,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99G Lake of the Woods)"

(h) Administrative Order No. 2000, dated April 12, 1949, by changing the project designation appearing therein as "Minnesota 99H Lake of the Woods" in the amount of \$190,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99H Lake of the Woods)"

(i) Administrative Order No. 2904, dated June 30, 1950, by changing the project designation appearing therein as "Minnesota 99K Lake of the Woods" in the amount of \$311,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99K Lake of the Woods)"

(j) Administrative Order No. 1290, dated May 28, 1947, as amended by Administrative Order No. 3220, dated April 17, 1951, by changing the project designation appearing therein as "Minnesota 99 Lake of the Woods (Minnesota 79N Big Stone)" in the amount of \$9,180.80 to read "North Dakota 20TP4 Grand Forks (Minnesota 99 Lake of the Woods (Minnesota 79N Big Stone))"

(k) Administrative Order No. 3983, dated January 30, 1953, by changing the project designation appearing therein as "Minnesota 99L Lake of the Woods" in the amount of \$764,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99L Lake of the Woods)" in the amount of \$346,649.58 and "North Dakota 20TA1 Grand Forks (Minnesota 99L Lake of the Woods)" in the amount of \$417,350.42; and

(l) Administrative Order No. 4946, dated April 19, 1955, by changing the project designation appearing therein as "Minnesota 99M Lake of the Woods" in the amount of \$407,000 to read "North Dakota 20TA1 Grand Forks (Minnesota 99M Lake of the Woods)"

[SEAL] FRED H. STRONG,  
Acting Administrator

[F. R. Doc. 56-9128; Filed, Nov. 7, 1956;  
8:53 a. m.]

[Administrative Order 5572]

LOUISIANA

LOAN ANNOUNCEMENT

OCTOBER 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Louisiana 18T Beauregard----- \$500,000  
[SEAL] DAVID A. HAMIL,  
Administrator

[F. R. Doc. 56-9129; Filed, Nov. 7, 1956;  
8:53 a. m.]

[Administrative Order 5573]

OKLAHOMA

LOAN ANNOUNCEMENT

OCTOBER 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount  
Oklahoma 1 V Kingfisher----- \$50,000  
[SEAL] ROBERT T. BEALL,  
Acting Administrator

[F. R. Doc. 56-9130; Filed, Nov. 7, 1956;  
8:54 a. m.]